LEGISLATIVE COUNCIL.
Tuesday, October 3, 1882.

Working of Victorian Railways—Diseases in Stock Act Amendment Bill — University of Melbourne Law Further Amendment Bill.

The President took the chair at twenty-five minutes to five o'clock p.m., and read the prayer.

WORKING OF VICTORIAN RAILWAYS.

The Hon. W. A. Zeal moved—

"That, in the opinion of this House, it is desirable that the following precautions be adopted in the working of Victorian railways:—1. That there be a brake vehicle, with a guard in it, at the tail of every train, this vehicle to be provided with a raised roof and extended sides glazed to the front and back; and that it be the duty of the guard to keep a constant look-out from it along the line. 2. That all passenger carriages be provided with continuous automatic brakes, extending throughout the whole length of each carriage and as far as the outer ends of the buffer castings. 3. That there be means of intercommunication between a guard at the tail of every passenger train and the engine-driver and between the passengers and officials in charge of the train. 4. That continuous automatic brakes, under the control of the engine-driver and each guard, be employed with all passenger trains. 5. That the brakes of all wheels be so secured to the rims of the wheels as to prevent them from flying open when they are fractured. 6. That the engines employed with passenger trains be of a steady description, with not less than six wheels, with a long wheel base, with the centre of gravity in front of the driving wheels, and with the motions balanced; and that no engines be run tender or tank first. 7. That records be carefully kept of the work performed by the wearing parts of the rolling stock, to afford practical information in regard to them, and to prevent them from being retained in use longer than is desirable. 8. That all lines be worked on the block telegraph system; and, in case of junctions, that the block system be employed for preventing trains, which can come into collision through over-running signals, from approaching a junction simultaneously."

He said the motion was precisely similar to the one upon the same subject which he proposed at the last meeting of the Council, except with respect to a slight alteration in form, which he had adopted to meet the views expressed by Mr. MacBain. Having already explained the object of the regulations in question, he need only state on the present occasion that they were insisted upon by the Board of Trade in England, and were founded absolutely necessary in working English railways. Experience proved that their operation was very satisfactory, and ensured the maximum of safety to passengers.

The Hon. J. Graham seconded the motion.

Sir C. Sladen stated that he was not in the chamber when the report of the select committee on the Jolimont railway accident was adopted, so that he had had no opportunity hitherto of expressing the view he wished to lay before the House now—namely, that, if the present motion was made an addition to the report of the select committee, it would command much more weight than would attach to it as setting forth merely the abstract opinion of the Council. He would also point out that it was worth inquiry whether the particular matters to which the proposed regulations referred were the only ones with respect to which it was necessary to call attention to the action taken by the Board of Trade in England. It was a matter of serious import to those who travelled on the Victorian railways that trains were run upon them in direct violation of the rules insisted upon by the railway authorities at home. So far as the motion, taken by itself, went, it seemed to be one in which every honorable member could concur.

The Hon. F. S. Dobson stated that when a former Government purchased the Hobson's Bay Company's lines and rolling-stock, they did so on the strength of the favorable report upon the condition of both furnished by the company's engineer, who afterwards became Engineer-in-Chief of the Victorian railways. It was, however, subsequently found, among other things, that the number of brake vans for the trains was inadequate; and also that, at Brighton Beach station for instance, there was no arrangement under which the brake van could be shifted, so as to be always at the tail of the train. Under these circumstances, the Government railway authorities were forced to the conclusion that to carry out on the suburban lines all the regulations of the Board of Trade would involve a serious curtailment of the traffic, and that, to prevent such a curtailment of the traffic, it would be necessary occasionally to run trains with the brake van situated as it was in the train that met with the unfortunate accident at Jolimont. However, shortly after the present Government came into office, instructions were given by them that the construction of additional brake vans should be proceeded with as rapidly as possible, and the consequence was that the cases in which trains ran with the brake van improperly placed were now, he (Dr. Dobson) believed, very few. In fact, everything that could be done by the Railway department to facilitate the adoption of the appliances necessary for the carrying out of the regulations of the Board of Trade in their entirety was now either already done or being done. He trusted that that assurance
would be accepted by the House and the country as satisfactory.

Mr. Zeal observed that the finding of the select committee on the Jolimont railway accident involved recommendations substantially the same as the regulations embodied in the motion now before the House, which he brought forward with the view of giving more thorough effect to the committee's report than it might otherwise have. For example, that report contained the following:

"Your committee recommend that every passenger train be forthwith fitted with a continuous automatic brake; and until such brakes are available, no passenger train be allowed to leave any terminal station unless an ordinary brake van is attached to the rear carriage. That instructions be given to all guards to keep a constant oversight of their trains when in transit, and especially of express trains passing intermediate stations. That a system of signalling between the passengers and guards be applied to all except suburban trains. That the block system of working railways be at once adopted on all lines, where practicable, and be rigidly enforced."

In this method the committee recommended generally the adoption of the system which he (Mr. Zeal) now proposed in detail. At the same time he would be happy to shape his motion in any way that would meet the wishes of the House.

The Hon. R. S. Anderson thought there was a great deal in the view expressed by Sir Charles Sladen. The report of the select committee on the Jolimont railway accident had been adopted by the House, and was consequently something entirely distinct and separate from the motion now under consideration, whereas, in his (Mr. Anderson's) opinion, the two things ought to be, as far as possible, embodied together. Even now it was possible for the House to join the motion to the report, and he would suggest that that should be done. The whole history of the Jolimont accident would then be contained in one document.

The President.—The committee's report has already been printed separately, Mr. Anderson remarked that it could be printed over again, with Mr. Zeal's proposition added to it. The value of the two things would then be greatly enhanced. At present the report had, as it were, no proper conclusion.

The Hon. J. Macbain considered that to follow the line recommended by Mr. Anderson would be both unfair and unusual. Besides, nothing the House could do would make Mr. Zeal's motion a part of the proceedings of the select committee. Perhaps it would have been better had the committee recommended the adoption of the regulations, but that course was not taken. All honorable members would no doubt agree that the embodiment years ago of the Board of Trade regulations in every portion of the railway system of Victoria would have led to a vast number of railway accidents being avoided. Let them look, for example, at the protection that would have been afforded to passengers had a good brake arrangement been always in force, had the running of brake vans at the tail end of every train been made compulsory, and had continuous footboards been constructed with every carriage. The experience of the old country having led the authorities there to the conclusion that those regulations should be adopted in their integrity, unquestionably the Railway department of Victoria ought, in the interests of life and limb, to take the same precautions. Under these circumstances, he hoped the motion would be carried, because its tendency was good, and, moreover, such action on the part of the Council would stimulate the department in carrying out what he believed it had already commenced, namely, the adoption of the regulations in question in every case as fast as provision for the purpose could be made.

The motion was agreed to.

Diseases in Stock Act Amendment Bill.

The Hon. T. F. Cumming moved for leave to introduce a Bill to amend the Diseases in Stock Act 1872.

The motion was agreed to.

The Bill was then brought in, and read a first time.

University of Melbourne Law Further Amendment Bill.

The Hon. F. S. Dobson moved the second reading of this Bill. He said—Mr. President, this measure has for its object three purposes, namely, to provide, first, for the election of the Chancellor of the University; secondly, for that of the Vice-Chancellor; and, thirdly, for the chairmanship of the council. It has been considered and approved of by both the council and the senate, although the latter body passed it by only a very narrow majority, and I think the request made to us by the two ruling bodies of this great institution, that we should carry the Bill into law, demands the greatest possible attention at our hands. I may add that the Cabinet have been requested, by a deputation...
from the council, to make the Bill a Government one, inasmuch as it would otherwise have very little chance of passing both Houses this session, either in its present or a modified shape, and that the Premier, on behalf of his colleagues, consented to that course being taken, which accounts for the measure being now in my charge. I will shortly state its leading principles. In the 2nd section of the University Act of 1853, by which the University is incorporated and endowed, provision is made for the election of the Chancellor by the council, but the Bill proposes that he shall be elected by the senate. Honorable members are aware that the council is a body comparatively small in numbers—consisting of only twenty members—whereas the senate comprises all members of the University who hold the degree of either doctor or master. Consequently the senate is the most popular, in the sense of being the most numerous, body of the institution. Well, it seems to me very desirable that the Chancellor should be elected by a much wider vote than that of the council. The Bill also allows a person who is not a member of the University to be elected to that office. I may remark that the position of Chancellor of a University is usually—certainly I may say that with respect to the University with which I was connected, namely, that of Cambridge—one of mere show. During the three years I was a Cambridge undergraduate, the late Prince Albert was Chancellor of the University, but the whole of its executive work was performed by the Vice-Chancellor, who was elected every two years by the heads of the different colleges.

Sir C. SLADEN.—No; for one year only.

Dr. DOBSON.—The honorable member's time at Cambridge was before mine; but possibly I am wrong. I am, however, dealing now only with the position of the Chancellor. I believe that at Oxford and at Trinity College, Dublin, as well as at Cambridge, the rule is for the Chancellor to be a man of high social position and eminent rank in the country, elected to perform duties of a character appertaining to show—to preside only on state occasions, such as when the Queen, or some other crowned head, visits the colleges. In fact, during my years at Cambridge, Prince Albert was never once seen there, and the only time I had any personal connexion with him was when I was one of a deputation of undergraduates who waited on the Queen to congratulate her upon the marriage of the Princess Royal with the Crown Prince of Prussia. The Prince introduced us, and presented the address congratulating Her Majesty upon the marriage of their eldest daughter, and that was the only time I ever saw him in his chancellor's robes. The Bill proposes also that the Chancellor shall hold office for life, a plan to which the senate object, and, I think, rightly. In those colonies, where we grow rapidly, and opinions quickly change, it is, to my notions, hardly desirable that there should be no means, at the end of a certain term, of getting rid of a Chancellor whose views are somewhat behind his time or who has outgrown his usefulness. Under these circumstances, I shall, when the Bill is in committee, ask the House to fix the period for which the Chancellor may be elected at five years. The election of the Vice-Chancellor is very properly vested in the council. He is to be the executive officer of the institution, and therefore it is only right that the council should take the responsibility of selecting a man properly qualified to discharge the duties of the post. But clause 3, which relates to the election of the Vice-Chancellor, contains the following sub-section:

"Notwithstanding any law to the contrary, he may, although he is a member of the council, receive any remuneration that the council thinks fit to appoint."

That is very vague, and unfortunately so. In the first place, I think the University authorities ought by this time to have made up their minds as to whether they do or do not want a paid Vice-Chancellor. The Bill, as it stands, leaves us quite in the clouds on the point. We have no means either of knowing whether, supposing the amount of the University grant to be increased, remuneration to the Vice-Chancellor of the day will follow immediately.

Mr. ANDERSON.—It is not proposed that the office shall become a paid one immediately.

Dr. DOBSON.—The honorable member is a member of the council of the University, and consequently I accept his statement. But I would like to know when it is intended to bring the plan of remunerating the Vice-Chancellor into force. Have the council come to any conclusion on the subject? Considering that the endowment of the University is only a limited one, we ought also to be informed what is to be the amount of the remuneration. I have heard £1,200 a year mentioned. I notice that Mr. Anderson laughs at this, and I may say that I am inclined to treat the idea of giving
such a sum with equal derision. The honorable member knows as well as I do that the University has got on very well, ever since 1853, without any paid Vice-Chancellor at all. The staff of the University, guided by the registrar and his assistants, has hitherto been found perfectly adequate to the work connected with the internal management of that large and growing institution. Whether that adequacy will continue in the future is a matter upon which I am not capable of speaking. Probably the two members of the council of the University whom we have in this Chamber will throw some light on the point. At all events, we ought to have before us more definite views as to the proposed salary and duties of the Vice-Chancellor than have yet been afforded to us. It is important that we should know whether the idea upon which clause 3 is based is that the vice-chancellorship should be made more attractive by say a couple of hundred pounds a year being attached to it, or that both the salary and the duties to be performed for it should be of a thoroughly substantial character. It is quite clear to my mind that no paid officer of the University ought to be eligible as Vice-Chancellor, and, with the view of relieving the council from any difficulties in that quarter, I have, after consulting with my colleagues, concluded to move, when the Bill is in committee, the adoption of the following proviso:

"Provided that no person, while receiving remuneration for any other office in connexion with the University, shall be capable of being elected to or holding the office of Vice-Chancellor."

In clause 4 of the Bill we find a truly strange piece of legislation. It is as follows:

"At every meeting of the council held for the purpose of conferring degrees, the Chancellor, or, in his absence, the Vice-Chancellor, or, in the absence of both the Chancellor and the Vice-Chancellor, a chairman elected by the members then present, shall preside. At every other meeting of the council the members present shall elect a chairman. At every meeting of the council the members present shall elect a chairman."

What position will the Chancellor hold under these provisions? Inasmuch as it will not be necessary for him to be a member of the University, or of any of the universities whose degrees it admits, we will suppose him to be a distinguished gentleman who has fixed his abode amongst us, who has plenty of means, whose opinion on educational matters is beyond dispute, and whose elevation to the chancellorship is an honour to the institution of which he is chosen to be the ceremonial head. But how, when he attends meetings of the council of which clause 2 will constitute him an ex officio member, will he be placed? Unless he happens to be elected the chairman, he will simply sit as an ordinary member. Will such an arrangement work? I am sure I don't know. I am bound to treat with respect a proposal that has been adopted both by the council and the senate of the University, but it seems to me to have in view a state of things of a rather startling character. For the Chancellor to be the head of the University on all state occasions, and at meetings of the council to be only a simple member of that body, appears rather an un­

vidious plan. Besides, I don't see how the business of the council can be carried on upon such a system. Will it not be possible for the whole time of each meeting of the council to be occupied by discussions as to who shall be chairman? I hope Dr. Hearn, who I believe takes a great interest in the reform embodied in the Bill, will explain to us why we are asked to follow so strange a course. No doubt we are all pretty well informed as to how matters stand at the University at the present moment. The existing head of the institution is not approved of by some as a chairman. His social position and his great attainments eminently qualify him to be Chancellor, but apparently he is not a success while in the chair at the council. On the other hand, I am told that it is not thought desirable by some persons to appoint the Vice-Chancellor to the higher post. Whatever reasons there may be for that conclusion, I don't know what they are, and therefore I offer no opinion on the subject. But at one step to raise the Chancellor to the highest possible position, and at another to give him the go-by, strikes me as a proceed­ing of a very questionable character. However, the details of the Bill that are open to amendment need not be closely discussed now. The authorities of the University desire a reform in its management, they have embodied the various points of that reform in the Bill now before us, and at their request the Government invite honorable members to consider and pass it.

The Hon. R. S. ANDERSON.—Mr. President, the Solicitor-General, in moving the second reading of the Bill, dwelt on several matters, upon only two of which, however, I think it is necessary for me to offer any observations. The first is the question of paying the Vice-Chancellor of the University, and the second is in reference to the power of the council to appoint a chairman at all meetings other than those at which degrees
are conferred and a few others. I am in a position to inform the House that it is not intended for the present to pay the Vice-Chancellor, for the very simple reason that there are no funds available for the purpose. The work appertaining to the office is not regarded as being undeserving of payment, but the entire funds of the University—and more if they were obtainable—are required for the purpose of paying the teaching staff, and it is impossible for the council of the University at present to say what salary they propose to pay in the future, because they do not know what amount they will have at their disposal. They do propose, when they are able to do so, to attach a salary to the office, because the work associated with it is growing from year to year, and only during the past month a statute was passed by both branches of the University appointing a board of discipline, which will double the work which the Vice-Chancellor has hitherto performed; but, while admitting that the office should be paid, they do not know when they will be in a position to attach a salary to it. They are determined that the teaching staff shall not be made to suffer for the purpose of remunerating the Vice-Chancellor, and they are merely taking advantage of this Bill to make provision for the future. With regard to the proposal to allow the council to elect a chairman at their meetings, the Solicitor-General correctly said that it is in contemplation to assimilate the position of the Chancellor of the University to the position of chancellors of English universities; that is, that the gentleman holding the office shall not be a working member of the council, and that he shall only attend the meetings held for the purpose of conferring degrees and on other state occasions. The Vice-Chancellor is, no doubt, the man best qualified for the position of chairman, and he should invariably and continually conduct the business of the council, but the proposal to empower the council to elect their own chairman at all ordinary meetings is the result of past experience. It has happened that we have had occupants of the chair who, instead of conducting the business with energy and despatch, have allowed it to drift along in such a manner that it has been necessary to hold weekly instead of monthly meetings, and at the present time I may say that there is business on the notice-paper of eighteen months' standing. It is known that there are other members of the council who, when occupying the chair, can get the business through expeditiously. I am very sorry to have to refer to this matter. I did not think it would be necessary to bring it before the House so prominently, but the only objection in view in doing so is to provide the council with a means of getting through their business in a reasonable time. By the Act of Incorporation the council are only required to meet once a month, and for several years this proved to be sufficient for the work which came before them. At present, however, they have to meet almost every week, and even now the business is allowed to get into arrears, and the latter part of the 4th clause is framed with a view of overcoming this difficulty. It was, after a full debate, agreed to by the council, there being only a few dissentients out of the 14 members who were present, and I trust that no obstacle will be placed in the way of their praiseworthy endeavours to provide a means by which they may perform their duties more expeditiously. Personally, I must express my regret that the Solicitor-General has intimated his intention of proposing the proviso which he has indicated, because I do not think it is desirable that the choice of the council in electing a Vice-Chancellor should be limited. They should be left to their own discretion in a matter of that kind. As I before remarked, we are trying to assimilate the position of the Vice-Chancellor with that of vice-chancellors in the mother country, and I may point out that at home the position is almost always held by heads of colleges.

Dr. DOBSON.—But they have no teaching power.

Mr. ANDERSON.—It is not so in Scotland.

Dr. DOBSON.—It is at Cambridge.

Mr. ANDERSON.—In Scotland it is generally one of the highest professors who occupies the position, and he is called the Principal and not the Vice-Chancellor.

Dr. DOBSON.—In the report which was laid before the House of Lords, a special recommendation was made that neither the Chancellor nor the Vice-Chancellor should be connected with the teaching staff.

Mr. ANDERSON.—I will add, however, that as the proviso to which the Solicitor-General referred appears to be made an essential condition of the passing of the Bill, I will not risk losing the measure by opposing it, although I should prefer the council to be unrestricted in the election of a Vice-Chancellor.

The Hon. N. FITZGERALD.—Mr. President, I think the House will agree with the Solicitor-General in saying that a wise
discretion has been exercised in making this Bill a Government measure. We must feel that every Bill having for its object the improvement of the University, of which we are all so proud, deserves the recognition of the Government, and that every facility should be given to the governing body of the institution to advance the objects for which they are appointed. I confess, however, that I have not yet heard any satisfactory explanation of what appeal to me to be very extraordinary anomalies in the Bill. Changes of a very grave character are proposed, and up to the present the House has not been placed in possession of the reasons why they are considered necessary. The Solicitor-General has referred to individuals, but I presume that we are to deal with the question without any reference to the present—and which may also be termed special—circumstances. It is proposed in the Bill that the Chancellor of the University shall be elected by the senate. There can be no possible objection to that, but I would point out that there are two governing bodies, the senate and the council, the former of whom, as the Solicitor-General observed, is the more numerous and popular, and that according to the Bill the election of the Vice-Chancellor is to be restricted to the smaller body. I am aware that the Vice-Chancellor will take a position here analogous to that of the Principals of the Scotch, and the Proctors of the Irish, universities, and that he will beat the head of the administrative body in charge of the University. I presume that he will to some extent control the duties of the professors, and see that they do their work, and, in fact, be at the head of the whole working machinery of the University. To my mind, the very fact of the Vice-Chancellor holding such a high office is fatal to the proposal to vest his election in the council. The council, as at present constituted, comprises professors and heads of educational establishments. We have in this House two members of the council. One of them belongs to the professorial branch. His talents have shed a lustre on the University and his works are standards wherever the English language is known, and it must not be inferred that in any remarks which I have to make there is the slightest intention of alluding to him or to the other member of the council who is also a member of this Chamber. The council of the University consists of 20 members, of whom more than one-half are either directly professors or teachers in the institution, or are connected with our public educational establishments.

Hon. N. Fitzgerald,

They are doubtless the working bees in the hive, but when we are asked to sanction the proposal to relegate the election of the Vice-Chancellor, with all his important functions in regard to the professors, to this executive body, it is practically proposing to confer the office on one of the professors themselves or on one of the heads of the preparatory schools. Now, as a sincere well-wisher of the University, I believe that it was never to the interest of the institution to allow a single representative from among the heads of preparatory schools to sit upon the council. I have the strongest objection to it on principle. I believe it interferes with other teachers, by giving to the heads of those schools represented in the council, whether rightly or wrongly, in the public mind a supposed advantage. It is supposed to give them a knowledge of the text-books required in preparing for examination, and this gives them an influence utterly inconsistent with their position and acts unfavorably upon other schools.

Mr. ANDERSON.—It was this Chamber which gave heads of preparatory schools the right to representation in the council.

Mr. FITZGERALD.—Had I had an opportunity of raising my voice against it, I should have done so. I regard it as a highly injurious thing, because it tends to encourage the practice of " cramming " for examinations. It is also placing the schools which are unrepresented at a great disadvantage, because the results of examinations are held up as tests of the efficiency of the work done at the various schools. I maintain, therefore, that high as the educational qualifications of those gentlemen may be, and strong as may be our personal respect for them, it is wrong in principle that they should be members of the council and in that capacity direct the affairs of the highest educational establishment in the country. They are largely interested in the curriculum which is laid down for the University. Their own bread depends on the success of their pupils. Other members of the council are not interested in this way. Mr. Anderson, for instance, has devoted much time and labour to University affairs, and deserves great credit for it. But in placing the election of a Vice-Chancellor in the hands of the council, we should practically be electing one or other of the professors or the head of one of our educational establishments, because it is very improbable that any member unconnected with educational institutions would be willing to devote all his time and attention to the duties of the office. If the election of the
Chancellor is to be handed over to the more popular of the two bodies, why cannot the election of the Vice-Chancellor, who will take the Chancellor's position in his absence, be placed in the power of the same body? I am here irresistibly reminded of an anecdote of a well-known professor of mathematics who had a cat and a kitten, and who cut in his door two holes, the larger of which was for the cat and the smaller for the kitten, to pass through. When asked why the kitten could not pass through the hole cut for the passage of the cat, he replied that he never thought of it. Now in relation to the election of the Chancellor and the Vice-Chancellor, we are asked to provide a large hole for the admission of the former, and a smaller one for the latter. Why could not the large hole do for the two? If both were elected by the senate, we should avoid the objectionable probability of a professor or a principal of a popular school being at the head of the affairs of the University. I have no objection to the proposal to pay the Vice-Chancellor whenever the funds of the University admit of this being done. As being the person who regulates the proceedings of the executive, he should be a gentleman not only well qualified for his position, but ready and able to give the whole of his time and attention to the duties which he would have to perform, and which would, no doubt, be a great tax upon him. I hope that before long the University will be in a position to devote money to the purpose of paying the holder of this important office. A petition from the senate of the University was recently presented to this Chamber, supporting the proposal to place the election of the Vice-Chancellor in the hands of the council. Now, as Mr. Anderson and Dr. Hearne are aware, the voting at the meeting of the senate in respect to that petition was exactly equal, there being 15 votes in its favour and 15 against it, so that it is absolutely useless to us. A portion of the 4th clause appears to me to pass comprehension. A senate consisting of 290 members is to elect a Chancellor, who is to be everything which can make a gentleman worthy of the high position which he holds, and yet a more select body, the council, the crème de la crème of the senate, is to elect the Vice-Chancellor, who will be second to the Chancellor. It appears, also, that though both of them are to be excellent gentlemen from an ornamental point of view, they are not to perform one of the principal duties of their office, namely, that of presiding at the meetings of the executive. In a position where all feelings of cliquism and personality are to be ignored, neither the Chancellor nor the Vice-Chancellor is considered worthy to be placed; but the council are to be empowered to elect their own chairman at all times except at "commencements" and other state occasions. In my opinion this is an indignity to whoever in future holds either of those offices; it is an insult to them and a wrong to the University; it is more, it is evidence to me that there is behind or somewhere about this Bill a desire that cliquism and personal feeling shall take precedence over matters of public interest. The proposal, I observe, is made in a very insidious manner in the Bill:—

"At every meeting of the council held for the purpose of conferring degrees, the Chancellor, or, in his absence, the Vice-Chancellor, or, in the absence of both the Chancellor and the Vice-Chancellor, a chairman elected by the members then present, shall preside. At every other meeting of the council the members present shall elect a chairman. At every meeting of the senate of the University the warden shall preside, and, in his absence, the members of the senate present shall elect a chairman."

Elect a chairman notwithstanding that the Chancellor and the Vice-Chancellor may be present! Is that a principle that the House will maintain? It is quite inexplicable to me. Mr. Anderson has told us that there is business on the notice-paper of the University council of eighteen months' standing. I can only account for that by the fact that the honorable member has been absent from the meetings for twelve months out of the eighteen, because, had he been present, the business would have been allowed to get so far in arrears. No one can delay the business if the majority of the members of the council are in earnest. It is only when personalities are being indulged in, and when cliquism is rampant, that business can be delayed. If the proper spirit animates the council, it is impossible for any chairman to dawdle away the time, so that it is unreasonable to suppose that the Vice-Chancellor will be unable to conduct the proceedings with reasonable despatch. Why then should we brand the Chancellor and the Vice-Chancellor for all time as being unfit for their positions? We ought to discuss this question apart from all personal considerations. I address myself to it in that spirit, and nothing can be further from my mind than the idea of making any personal allusions, but I again repeat that the fact that the preparatory schools have been granted such extensive representation on the council, and that they have obtained a footing there at all, is a blot on the law.

Mr. ANDERSON.—I agree with that.
Mr. FITZGERALD.—So long as we have the schools represented in the council, so long shall we have dead-locks and dawdling. The interests of those school representatives must be governed by their pockets, and for that reason will the interest of the University with them be secondary to their pockets. The practice in Scotland has been alluded to, and in reference to it I will read an extract from the report of the Royal commission which was appointed in 1878 to inquire into the Scottish universities:

“It may be right and advantageous that the principal, as far as his time may permit, should deliver occasional courses of lectures on particular subjects suited to his special qualifications, and which may not be sufficiently provided for in the university otherwise. This is done by several of the principals at present; but it has never been the usage for the principal to charge a fee for such lectures, and we think it undesirable that he should. It ought not to be looked on as part of his necessary duty, and he should be left free to superintend university arrangements without the possibility of a suggestion that he may direct them so as to favour his own pecuniary interest. In this view we cannot look with favour on a suggestion which has been made, that the principal should be one of the professors.”

If that be true as applied to one of the professors of a college, with how much greater force will the same not apply to the heads of outside educational establishments? If you except such members of the council as the Bishop of Melbourne, Mr. Anderson, and a few others, who is there left besides professors and heads of preparatory schools to choose from in selecting the Vice-Chancellor? The office will be of an executive character, because I presume that the holder of it will in time receive a salary, and reside at the University, and that being so, how can we, with proper respect for the institution, agree to allowing a professor or a head of a school to hold the position? If no other honorable member undertakes the task, I shall certainly move an amendment, when we are in committee, affirming the desirability of placing the election of the Vice-Chancellor in the hands of the body which is to elect the Chancellor. Surely if the senate are capable of choosing wisely in the election of a Chancellor, they ought to be able to choose a Vice-Chancellor also, as the duties of the two will be very similar, and we ought to be given the same security that the election of the latter will be conducted as free from party “isms” and personality as that of the former. In referring to the University, I should allude to the name of one who has unhappily been taken from us, but who shed lustre on the institution for many years. He was a hard worker in the University, and his name is identified with it from its earliest times until his death. I need not say that I speak of the late Sir Redmond Barry, who was Chancellor of the University, and in mentioning him it is due to his colleague, the Vice-Chancellor, who for 25 years has, with an assiduity beyond all praise, devoted himself to the duties of his office, to speak of his worth as being second only to that of the late Chancellor. To them the country is indebted for watching over the infantine years of the University, and helping to raise it to the position which it now occupies in being the pride of every one interested in the educational progress of the country.

The Hon. W. E. HEARN.—Sir, I quite agree with the encomiums which Mr. Fitzgerald has passed on the late Chancellor, who conducted the affairs of the University for many years, and upon the present Vice-Chancellor. At the same time we must remember that during a portion of that period the institution was in its infancy, and that since then great changes have been rendered necessary by altered circumstances. Some few years ago it became necessary to institute legislation for the improvement of the University, but, unfortunately, the promoters of the Bill which was then brought forward did not foresee the necessity of making the changes which experience has now shown to be absolutely required. That Bill retained the old practice of re-electing the Chancellor and Vice-Chancellor every year, but we now find that it is desirable to adopt a practice more resembling that followed at the English, Irish, and Scotch universities, and to make the Chancellor an officer who shall preside at “commencements” and at the conferring of degrees. He is to be an ornamental officer to a certain extent, who is to be present on state occasions. This is a function which, in the mother country, is performed for the most part by the princes and illustrious noblemen who are elected as Chancellors of the various universities. It is further proposed in the Bill now before us to impose the practical work of the University upon the Vice-Chancellor, and it is for this purpose, as Mr. Anderson has informed the House, that legislation is considered necessary. It is in fact proposed to place very large and very onerous duties upon the Vice-Chancellor, far in excess of those which he has had to perform up to the present time. It must be evident that an institution which has grown to the extent to which our University has now grown cannot be managed unless by some person who will undertake the direction of it. Some proper working head is required, and the only
question is—By what means can a suitable working head be provided? My honorable friend Mr. Fitzgerald's view of the case is very plain. According to him one section of the council are disqualified from undertaking the position, and the remaining section of the council are unwilling to undertake it for any sum of money that could be offered to them. It appears, therefore, that we are reduced to the dilemma that the University must continue to go on without any such officer at all.

Mr. FITZGERALD.—Let the Vice-Chancellor be elected by the senate, and do not limit the position to members of the council.

Dr. HEARN.—According to the honorable member, the respectable portion of the council won't take the position, and the unrespectable portion are disqualified from taking it, so that there is nothing to be done but to leave it to the senate to elect some loafer who will accept the smallest salary that can be offered. I do not think that is the kind of person we would wish as Vice-Chancellor of the University.

Mr. FITZGERALD.—You are paying the senate a high compliment.

Dr. HEARN.—Let the honorable member recollect what compliment he paid the senate himself. He spent half-an-hour in declaiming against the iniquity of teachers of schools being members of the council. Does he not know that it was the senate which elected every one of those gentlemen to that position?

Mr. FITZGERALD.—It was a great mistake.

Dr. HEARN.—Perhaps it was, and perhaps it was not. It was done by the senate in the exercise of their judgment.

Mr. ANDERSON.—It was the result of canvassing.

Dr. HEARN.—However, I will only say that it is proposed to follow as nearly as may be the practice at present pursued in the English universities. We propose to have a Chancellor of distinguished position as far as we can obtain that result. We propose that he shall be elected by the senate—that is, the large body of graduates. No doubt, as the Solicitor-General has said, the senate did decide in favour of the Chancellor being elected for five years instead of for life, and, although I would myself rather have the matter the other way, I am prepared to accept their view. The only points on which there has been any difference of opinion are the tenure of the office of Chancellor and the mode of election of the Vice-Chancellor.

Apart from these details, the University has agreed to the general principles of the Bill in both branches of the University legislature. As to the election of the Vice-Chancellor I confess that I feel very much the force of many of Mr. Fitzgerald's arguments, the more so as I was formerly inclined to adopt them myself. But whatever came my objection was that, as has been pointed out by the Solicitor-General, a person appointed to be the working head of a university must be a man who is in some kind of friendly relation with the council. If the Vice-Chancellor is elected by the senate, the result might be that as soon as he was appointed to the position and was clothed with statutory powers apart from the council he might bid defiance to the council, and the whole affairs of the University might be brought to a deadlock. If the council are to be the governing body of the University, it is clear that the working officer must be a man appointed by the council and in friendly relations with them. If it were not so, if a stranger were appointed as Vice-Chancellor, perhaps against the will of the council, or a man on unfriendly terms with them, a quarrel would almost inevitably take place very soon. Again, if the Vice-Chancellor is to be a paid officer, as sooner or later he certainly must be, surely it would not be a wise thing to allow the senate—a large body of 300 or 400 persons—to elect him. Already, as has been said by Mr. Anderson, there is plenty of canvassing, and what would be the case under such a system? It is a dangerous thing to have an officer of that description appointed by election at all, even by so small a body as the University council, but the evil and inconvenience would be multiplied a hundredfold if so large a body as the senate were allowed to elect a man to a billet of so many hundred pounds a year. The two points, therefore, in favour of the proposition that the Vice-Chancellor should be elected by the council are—first, that a Vice-Chancellor elected by the senate would probably be on unfriendly terms with the council, the governing body, or at all events not on friendly terms with them, and there would be no means of actually securing unity of action between the Vice-Chancellor and the council; and, secondly, that there is a grave objection to allowing any person holding a valuable office to be elected by a large body. These are the principal reasons why I cannot acquiesce in the proposal of Mr. Fitzgerald. Although I quite admit that there is much, at the first blush, in what he said, I think on further consideration it will
be found that the system he advocates would be quite unworkable, and would involve the University in very grave difficulties. With regard to the clause allowing the Vice-Chancellor to be paid, I would point out that the clause merely takes power for the University to pay that officer if they think fit, and if they have the means. It has been suggested that it should have been set out in an extract with regard to the Scotch universities, but he did not seem to see how singularly it failed to apply to the present case. The committee of the House of Lords on the Glasgow University reported that it was undesirable that the principal of the University should be one of the teaching body, as he would be inclined to favour his own chair; but in the University of Melbourne a man would have no reason to favour his own chair because he does not get any fees from it. In the Scotch universities the professors are paid by fees, but in our universities they are not, so that the argument founded on the extract read by Mr. Fitzgerald falls to the ground.

Mr. FITZGERALD.—Not as regards teachers of preparatory schools.

Dr. HEARN.—The Solicitor-General does not propose, and I don’t suppose he could do it if he did propose, to exclude those very objectionable people to whom Mr. Fitzgerald refers. Professors may be excluded, but surely it could never be proposed that because a man happened to be a member of a particular profession he should, on that account, be excluded from being elected to the position of Vice-Chancellor of a university.

Mr. FITZGERALD.—Certainly, if he conducted a school at the same time. It would be more objectionable to elect such persons than it would be to elect professors, because all the other teachers of schools would be unfairly handicapped.

Dr. HEARN.—It would be a most unusual thing—a thing quite strange in the legislation of this country—if it were provided that gentlemen belonging to a particular profession should, merely because they belonged to that profession, be altogether excluded from holding a certain public office.

Mr. FITZGERALD.—While teaching another establishment it should be a question of “extram harmon?”

Dr. HEARN.—“Teaching another establishment” is only the way in which the man earns his living. I do not think that, at present, we have any example of a gentleman being disqualified, from the circumstance of his being engaged in a particular profession, from accepting any public office. I will
say no more on this point, except that I, myself, may appear to have some personal interest in the matter; but I may relieve the minds of my friends by assuring them that the office in question is one which I have never sought, which I will never seek, which would be extremely distasteful to me, and which I would never accept unless under some urgent call of public duty. With respect to the clause relating to the chairmanship of the council, I cannot agree that it is at all an insult to any person, past, present, or future. The object of the clause is to separate the office of chairman of the council from the office of Chancellor or Vice-Chancellor. It gives, in fact, three offices in place of two. Hitherto the Chancellor has always been chairman of the council, if he was present at the meeting, and the Vice-Chancellor has taken the chair if the Chancellor was absent. It is now proposed to have three officers—that of Chancellor, who is to be the ornamental officer, that of Vice-Chancellor, who is to be the Minister or working head of the University, and that of chairman pro hae vice, who is to be elected at each meeting of the council held for the transaction of business. The reason of this proposal is that, while a Chancellor may be suited in every other respect for his position, he may be a very bad chairman of a meeting; and, again, although the Vice-Chancellor is to be ex officio a member of the council, he could not be chairman while the Chancellor was present. Besides, as the Vice-Chancellor is to be the working head of the University, it would be necessary for him to give frequent explanations at the meetings of the council, and it would be a very awkward thing for him to be chairman under such circumstances. No one expects the Prime Minister of the Government to be Speaker of the Legislative Assembly, and the Vice-Chancellor is to be the Minister of the University. I may point out, also, that although the clause empowers the members of the council present to elect a chairman for each business meeting, there is no doubt that, in 999 cases out of 1,000, the Chancellor, if he was present, would be voted, as a matter of course, to the chair, unless there was some special objection to him as chairman. The Vice-Chancellor, on the other hand, is the very man wanted out of the chair, so as to be able to give constant explanations. The clause was adopted almost unanimously by the council, and was assented to with little discussion by the senate. The only other point which it is necessary to mention is an amendment which the senate desire to have introduced into the Bill, for the purpose of remedying a slight inconsistency between the Act passed in 1881 and the previous Act. In the former it is provided that members of the senate may vote by voting papers, while in the previous Act it is provided that the business shall be conducted by the members present. A difficulty has been felt in making these provisions read together, and when the Bill is in committee I shall propose an explanatory clause to remove the difficulty. Meantime, I trust the Bill will not be unacceptable to the House, and that it will now be read a second time. Possibly, before dealing with the amendment which the Solicitor-General intends to move, it would be desirable to allow the council of the University to express their opinion on it, inasmuch as it has not been considered by them, nor by the senate, and there is likely to be considerable difference of opinion regarding it.

Sir C. SLADEN.—Sir, my first impression on seeing this Bill was a feeling of regret at finding the affairs of the University of Melbourne again brought before Parliament. I must say that I am extremely sorry to see a Bill introduced this session for the purpose of undoing part of the work which was done, after full discussion, last year, the more especially as it is very evident, from the discussions which have been going on recently, that there is a great want of unanimity on the part of the members of the University themselves with regard to the new features contained in the Bill. I do not think it is to the interest of the University for it to be continually parading before the Legislature of the country. On the contrary, I regard such a course as having an injurious effect on the institution, because it unsettles men's minds very much when they find such a distinguished body appealing to the Legislature to assist them in regulating their affairs before they have quite made up their own minds as to what should be done. For my own part, I think that by taking up the Bills instigated by the University we are likely to do more harm by over-legislation than if we allowed the members of the University gradually and patiently to ascertain amongst themselves, with the general concurrence of the whole body, what is the best course to be pursued. In dealing with the University of Melbourne, in my opinion—and I speak as an old University man—one thing should be borne in mind as much as possible, namely, that it is desirable to assimilate our institutions to those of the old country, as far as
circumstances will allow. With regard to the election of Vice-Chancellor, no doubt there is a difficulty in following that course. In the Universities of Oxford and Cambridge, the Vice-Chancellor must be the head of a college, and, as there are many colleges, there is a large field of choice with regard to the selection of Vice-Chancellor. I don't know how it may be at Oxford, but at Cambridge the mode of election is this:—The council meets as it were to-day, and nominates or “pricks” the names of two heads of colleges, which are conveyed to the senate, and the latter body, on the following day, before there is any time for canvassing, proceeds to elect one of those two. There the whole University is in accord—the council nominates, the senate elects—and therefore the Vice-Chancellor is the creature of the whole university. I think it would be desirable to introduce that system of double election here. With regard to the Chancellor, the Bill provides that he shall be elected by the senate instead of by the council, and I think that is a step in the right direction. With regard to the tenure of the office of Chancellor, there is a difference between the practice at Cambridge and that at Oxford. At Oxford the Chancellor is elected for life, while at Cambridge he is elected for two years, but he continues to hold office after that period as long as the university does not interfere. I have been told that it is proposed in this colony to fix the period at five years, as a medium course between the life tenure at Oxford and the tenure at Cambridge. But, in my opinion, it is not a medium course, as it distinctly differs from both the Oxford and Cambridge systems. I think the Chancellor should either be actually elected for life, or else the Cambridge plan should be adopted. The latter perhaps would be preferable, because although under it the Chancellor practically holds office for life it affords the University a moral restraining power, and moral influences are always good, even though it should not be necessary to put them into force. I understand that there is some disagreement in the University as to the propriety of allowing the Chancellor to sit as a member of the council, because, it is argued, the Chancellor may be elected by the senate from amongst persons outside the University. Whether that objection is a good one or not, it is good so far that it shows the University has not had sufficient time to make up its mind as to the most proper course to adopt in all matters relating to the high offices of Chancellor and Vice-Chancellor. Under these circumstances, I do not think it is a very wise step for the University to ask the Legislature to lay down rules under which chancellors and vice-chancellors are to be appointed in future, when the University itself is not agreed upon the matter. The provision that the Vice-Chancellor shall hold office for such term as the statutes of the University may from time to time provide is an exceedingly judicious one, and I think the principle in it might be extended so as to give the University a little more inherent power, and thus avoid these repeated appeals to the Legislature. The provision will save a great deal of trouble, and is in the right direction of allowing the University to gradually grow into that form which its local circumstances seem to require. I have always been opposed to the heads of educational establishments being placed on the council, but it seems to me that the time has passed for raising any objections to the system, unless we are prepared to repeal the whole of the present constitution of the council and establish a new constitution, and I do not think the Legislature is prepared to take that course. Therefore it seems to me that we cannot at present propose any change in the composition of the council which is likely to have any practical result. I think, however, there is something in the amendment of which the Solicitor-General has given notice, providing that no member of the teaching staff who is receiving remuneration shall be allowed to occupy the position of Vice-Chancellor; but, in my opinion, the amendment does not go far enough. It is equally undesirable that any member of the council of the University who is at the head of one of the educational establishments should be made Vice-Chancellor. All the evils mentioned by Mr. Fitzgerald would be intensified by putting one of the educational establishments in a position to exercise an influential power in the management of the University. I think that would be most objectionable.

Mr. FITZGERALD.—So do I.

Sir C. SLADEN.—It appears to me that there are a great many reasons why the heads of educational establishments should not be eligible for the office of Vice-Chancellor. Amongst other reasons in favour of the disqualification is that it will remove one of the possible causes of intrigue which might take place amongst members of the council and other members of the University having friends in the council, as to who should occupy what might for the future be considered this well-feathered appointment. I think it would be much better to strike out
altogether the proposal as to the remuneration of the Vice-Chancellor. In alluding to intrigue, I confess one hardly likes to suppose that there could be such a thing as intrigue for any unworthy end amongst an august body like the council of the University.

Mr. ANDERSON.—I never knew an instance of it.

Sir C. SLADEN.—I am happy to hear the statement, but I have heard that there have been a great many intrigues. I am not sufficiently acquainted with what has been going on in the University to express any opinion of my own on the subject. I am only repeating what is tolerably current opinion amongst the public; and, of course, although the council of the University consist of most distinguished men—distinguished in various ways by their learning and acquirements—still those men are only human, and they are capable of committing improprieties just the same as other persons. It would be most mischievous to put anything within reach which would probably have the effect of causing intrigue, and I think that nothing would be so likely to be a feeder to intrigue as the introduction of the principle of remunerating persons appointed to take the management of the University. The whole tenor of the debate has confirmed me in the opinion that the safest course at present will be to omit from the Bill any reference to the remuneration of the Vice-Chancellor. I understand Dr. Hearn to say that it is not likely that any remuneration will be assigned to the Vice-Chancellor within the present generation.

Dr. HEARN.—I said not any such remuneration as would make the vice-chancellorship a separate office.

Sir C. SLADEN.—I understood the honorable member to go further than that. At all events, I think it will be much better not to legislate at present for any remuneration being attached to the office of Vice-Chancellor. We ought, as far as possible, to follow the analogy of the home universities, and in those universities—I speak principally of the one with which I am most familiar—the Vice-Chancellor is not so much the executive as the head of the deliberative body of the university. There is an officer between the Chancellor and the Vice-Chancellor—I forget his title—who is really the executive officer of the University. He transacts all the executive business, and undertakes the expenditure of money, and so forth. The Vice-Chancellor, as the head of the deliberative body, is, of course, au courant with all that goes on at the University, but he only holds office for a limited period, and it stands to reason that there must be some one else to do the executive and general work connected with the University. Instead of legislating for the future of the University by providing for the remuneration of the Vice-Chancellor, it seems to me that it will be very much better to wait for the growth of the University, and see what will be the position which the Vice-Chancellor will occupy. How do we know that in the future, instead of having a Vice-Chancellor who will give the whole of his time to the duties of the University, and therefore expect to be remunerated, we may not have a gentleman in that position who will be glad to preside over the council as an honorary officer, leaving the real working part of the executive business in the hands of the registrar? It seems to me exceedingly probable that that will be the case, and that the executive duties of the University of the future will be performed more economically, and perhaps better, in another way than by assigning a large remuneration to the Vice-Chancellor. When the Bill is in committee, I will move that the sub-section of clause 3 authorizing the remuneration of the Vice-Chancellor, be struck out. The 4th clause contains a feature which I certainly cannot regard with approval. The clause provides that—

"At every meeting of the council held for the purpose of conferring degrees, the Chancellor, or, in his absence, the Vice-Chancellor, or, in the absence of both the Chancellor and the Vice-Chancellor, a chairman elected by the members present, shall preside. At every other meeting of the council the members present shall elect a chairman."

The Chancellor may not consider it his duty to be present at any meetings of the council except those held for the purpose of conferring degrees, but, at all events, the Vice-Chancellor will be present at other meetings, and it would be a great indignity if the council were to propose that some one else should take the chair in his presence. It seems to me contrary to all our notions—contrary to all English notions—of the respect due to a person who is elected a permanent chairman of a body like the council of the University to provide that some one else may be appointed to supersede him and prevent him taking the chair, except at meetings held for the purpose of conferring degrees. Such a provision might on many occasions lead to squabbles and disputes as to who should be chairman. It would be very unseemly for anything of the kind to occur. In conclusion, I will simply add that, as the Bill is before the House, and the Solicitor-General says that the Government...
proposed to take it up, I will not oppose the second reading, but I would have been much better pleased if the measure had not been introduced.

The Hon. J. MACBAIN.—As so much difference of opinion exists between the authorities of the University on several points connected with the Bill, and as it is desirable that honorable members should have the opportunity of carefully considering the measure before coming to any decision with respect to it, I beg to move that the debate be adjourned for a week.

The motion was agreed to, and the debate was adjourned accordingly.

The House adjourned at twenty minutes to seven o'clock, until Tuesday, October 10.

LEGISLATIVE ASSEMBLY.
Tuesday, October 3, 1882.


The Speaker took the chair at half-past four o'clock p.m.

CUSTOMS DEPARTMENT.

Mr. ZOX asked the Minister of Customs if precautions were taken by the employment of a night watchman, or other means, to protect the goods stored in the new Customs shed lately erected on the south wharf of the river Yarra by the Harbour Trust? He observed that precautions for the protection of the shed were very necessary, as, in the event of it being destroyed by fire, the Government would lose a large amount of revenue from the bonded goods stored there.

Mr. GRAVES stated that the shed referred to had lately been erected by the Melbourne Harbour Trust, and it was taken care of in exactly the same manner as the other Customs sheds. No special watchman was attached to any of the sheds, but they were strongly fastened at night. He had directed the landing surveyor to report as to whether there was any particular reason for employing a watchman in connexion with the new shed, which was situated in a locality not often visited by the police, and if there was the slightest risk run through the absence of a watchman one would be employed.

ASSAULT ON THE HIGH SEAS.

Mr. LONGMORE asked the Attorney-General if he had noticed the report of a case which was heard at the Sandridge Police Court, the previous day, in which a captain was charged with assaulting a sailor at sea? It appeared that the captain knocked the man down, and called three or four others, who tried to handcuff him. When they could not succeed they tied him to the mast, and when he screamed the captain put an iron marlinspike in his mouth, and otherwise ill-used him. At the police court, however, the captain escaped punishment altogether for the assault, although on a charge of exceeding his duty in another respect he was fined 1s. He hoped the Attorney-General would look into the matter, in order to ascertain whether justice had been done.

Sir B. O'LOGHLEN remarked that this was the first time his attention had been called to the case. He would have inquiries made into the matter, but he would remind the honorable member that there were two sides to every story.

SMALL POX.

Mr. ZOX asked the Premier whether the Government intended to take any steps to ascertain conclusively whether a man named Wright, who recently died at Hamilton, really suffered from small-pox?

Sir B. O'LOGHLEN stated that the Government had made every inquiry into the matter, acting through the Central Board of Health, and would take any further action that appeared necessary through the same channel.

VICTORIA STREET BRIDGE.

Mr. McCOLL asked if the Minister of Public Works had received an application from the Victoria-street bridge conference for an additional subsidy for the bridge to be put on the Supplementary Estimates; and, if so, would he appoint a board of engineers to inquire into the matter as demanded by Messrs. Kernot and Jenkins, civil engineers, and refused by the bridge conference, before he gave an answer to the application?

Mr. BURROWES (in the absence of Mr. C. YOUNG) said the following memorandum had been furnished by the Public Works department in answer to the question:—

"An application has been received from the Victoria-street bridge conference, and also from the members for the district, for an additional subsidy towards the Victoria-street bridge. The subject has been referred to one of the engineers.
of the Public Works department, and until his report is received no reply will be given to such application."

DR. EDWARD BARKER.

Mr. LONGMORE asked the Chief Secretary whether he had yet considered the case of Dr. Barker, and, if so, whether he would inform the House of the result?

Mr. GRANT observed that the case of Dr. Barker had been fully considered by the Government, and he would lay the papers on the table of the House if they were moved for by the honorable member.

Mr. LONGMORE inquired whether the Government had come to a decision on the case?

Mr. L. L. SMITH replied in the affirmative.

PETITION.

A petition was presented by Mr. ORKNEY, from the Melbourne City Council, praying that the Melbourne Harbour Trust Act Amendment Bill might be restricted to validating the proceedings of the commissioners appointed under the Harbour Trust Act 1876, to endowing the trust with the land required for a ship canal, and to empowering the trust to borrow the funds necessary for the construction of the canal and other works of harbour improvements, and that the Bill might then be passed.

LEGISLATIVE COUNCIL ROLLS.

Mr. GARDINER asked the Premier if he was aware that a number of names of owners of property and tenants which appeared on the municipal rolls were not to be found on the rolls on which members were to be returned to the Legislative Council at the forthcoming elections?

Sir B. O’LOGHLEN said he was not aware of what the honorable member had mentioned. No omission of the kind had been brought under his notice. He was informed that at Ballarat names had been put on the rolls under some mistake as to the law, but he had not heard of any names having been omitted.

Mr. GARDINER stated that the names of a number of well-known residents in the Royal-park and North Carlton division of the Melbourne Province had been left off the Council roll, and those persons would have no voice in the ensuing election.

TEMPERANCE PROCESSIONS.

The Rev. J. A. Dowie.

Mr. MASON (who, to put himself in order, moved the adjournment of the House) said he wished to bring under the notice of the Government the scandalous proceedings of a person styling himself the Rev. J. A. Dowie. This person was in the habit of parading the streets of Melbourne and the suburbs with a band of followers, and behaving in a most unseemly and offensive manner towards licensed victuallers, and he (Mr. Mason) certainly thought the Chief Secretary should direct the police to put a stop to such outrageous, unseemly, and disgraceful conduct. In the Herald of the 23rd ult. there appeared a long account of Mr. Dowie’s proceedings. It stated that he had started an organization called "The Christian Temperance Crusaders," the members of which took the following oath:—

"Believing that without Christ I can do nothing, and depending upon His spirit alone for strength, I vow before God, my eternal Father, that I will henceforward abstain from all intoxicating liquors, and will fight the Christian temperance crusade against the traffic until I die. May God help me to keep it."—

The Herald went on to say—

"Mr. Dowie administers this oath in the Collingwood tabernacle to batches of half-a-dozen or more at a time, each person holding up the right hand, and repeating the above words after the self-styled chief priest. Mr. Dowie and his crusaders last night went round to the principal hotels in Collingwood, and an offensive speech was made by Mr. Dowie outside each one. He called upon several respectable publicans by name to come out and show themselves as murderers and poisoners. Here is a sample of one case, that of Mr. Spreadbury, of the City Council. The band halted outside in the midst of a horde of larrikins, and Mr. Dowie shouted, 'John George Spreadbury, come out; you are on the road to hell!' On Mr. Spreadbury appearing in response to the appeal, a discourse was bestowed upon him that of Mr. Spreadbury, of the City Council. The band halted outside in the midst of a horde of larrikins, and Mr. Dowie shouted, 'John George Spreadbury, come out; you are on the road to hell!' On Mr. Spreadbury appearing in response to the appeal, a discourse was bestowed upon him eminently calculated to provoke a breach of the peace."

It was a scandalous shame that such outrages on respectable persons should be permitted in this country to be carried on by a man who was followed about by a band of larrikins and larrikinesses. The secretary of the Licensed Victuallers’ Association had addressed the following letter to the Chief Commissioner of Police on the subject:—

"I am instructed by the committee of the Licensed Victuallers’ Association respectfully to draw your attention to the proceedings of a person named Dowie and certain men and women associated with him. Complaints have been made to my committee by respectable hotel-keepers that these people take up a position in front of their hotels, call upon the licensees by name to come out, characterize them aloud as poisoners, murderers, &c., and otherwise behave in a grossly insulting manner. My committee are strongly of opinion that if such disgraceful proceedings are not at once put down, serious breaches of the peace will ensue, as they cannot guarantee that the licensed victuallers will quietly submit to outrageous insults which, if levelled at any other class in the community, would, they believe,
have been instantly stopped by the police. My committee believe that, the matter having now been brought under your notice, the cause of complaint will speedily removed.—Yours, &c.,

"T. PARKER, Sec."

He (Mr. Mason) wished to know if the Government were going to allow this person to continue his crusade against a respectable body of traders who were recognised by law, and who contributed a large sum of money to the revenue? If beer drinkers and spirit drinkers——

Sir B. O’LOGHEN said that, as there was a great deal of business to be done, he might point out to the honorable member that if abusive language was used towards publicans they had the remedy in their own hands, as any person using abusive language could be summoned before a police court. If any physical violence was used towards them, they could appeal to the police for protection. He would suggest to the honorable member that there was no use in discussing the matter further.

Mr. MASON remarked that he had no desire to take up the time of the House, if no other honorable member intended to address himself to the subject. (Mr. Longmore—“Your statements cannot pass unchallenged.”) He did not think licensed victuallers should be put to the expense and inconvenience of taking out summonses against persons who violated the law in the way he had described. The licensed victuallers were entitled to the protection of the police, and they should not be subjected to the insults of a crowd of larrikins and larrikinesses who obstructed the traffic of the streets, and prevented the hotel-keepers from carrying on their business. The hotel-keepers were as respectable as any other traders in the community, and they contributed more heavily to the public revenue than any other traders. It was scandalous and outrageous for a man, followed by a band of men, women, and children, to be allowed to insult them, and accuse them of selling poisons. (Mr. Gardiner—“So they do.”) He had no doubt that the licensed victuallers in the honorable member’s district would remember that statement. Although a few hotel-keepers had been convicted of selling spirits below or above the proper strength, no case had ever been proved in this colony of a publican selling poisonous liquor, and he maintained that it was most scandalous and outrageous to characterize the licensed victuallers as “poisoners.” If the Government permitted the unseemly conduct of this Mr. Dowie to be continued, the licensed victuallers would probably feel it their duty to rise up and make a crusade against other sections of the community. What would be said if a number of beer or spirit drinkers went to one of the coffee taverns and called out the manager for the purpose of informing him that he was on the road to hell, or if they proceeded to the Temperance Hall while the honorable member for Ripon was lecturing there, and acted in a similar way? He (Mr. Mason) repeated that the licensed victuallers were entitled to the protection of the police, and the Chief Secretary should give instructions to the police to prevent these processions altogether, and to keep the thoroughfare to licensed houses clear for the public. He appealed to the Government not to allow a trade as respectable as any in the colony to be trampled under foot, for he could assure them that, if Mr. Dowie’s proceedings were permitted to be continued unchecked, they would lead to very serious results. Some opposition movement would be raised to protect those who were now being hounded down by the crusaders, and, if the Government remained inactive, they must be held responsible for any future consequences.

Mr. CARTER (who seconded the motion for adjournment) said that, while he agreed to a great extent with the views of the honorable member for South Gippsland, he would be sorry to see the Government adopt any particular line of action with respect either to saints or sinners. He thought, however, it was the duty of the Government to see that no attacks were made on any particular class of people. So long as persons were legitimately carrying on their business under the law the police should do their duty with regard to them, irrespective altogether of their calling, and if it were true that the licensed victuallers were being molested, the fact showed that the police were not performing their duty, because the natural result of such conduct would be a breach of the peace. He altogether disagreed, however, with the honorable member for South Gippsland as to the injury caused to the business of publicans by such proceedings as the honorable member had described. So far as he (Mr. Carter) could gather, the publicans never had so lively times as when such gatherings took place outside their houses. These demonstrations meant an increased business, because the louder people preached the more thirsty they became, and the natural result was an increased demand in the public-house. But this was an illegitimate sort of business and should not be encouraged, because, as he had
seen in the newspapers, it had led in several cases to assaults by larrikins, and it enabled bad characters to assemble and pick pockets in the crowd. He was sorry to see that the Government seemed disposed, he would not say to pander to the sort of people who had been referred to, but at all events to refrain from acting with decision in putting down this sort of thing, and he thought attacks on any class of the people, whether preachers or teetotallers, should be prevented. In connexion with this matter, he might direct the attention of the Premier to the fact that each Sunday a number of people, who no doubt meant well, gathered in the Botanical-gardens and sang, in some instances accompanied by trumpets and in others without them. He (Mr. Carter) preferred the trumpets to the voices unaccompanied, but he thought the police should be directed to disband gatherings of the kind as they led to breaches of the peace.

Sir B. O'LOGHLEN remarked that he agreed with the honorable member for St. Kilda (Mr. Carter) that every class of the community were entitled to protection in conducting their business, and that they should not be molested by any other class. He considered that it was an excess of zeal on the part of the individuals who had been referred to by the honorable member for South Gippsland for them to go about and try to induce people not to drink by making such demonstrations. He doubted whether such proceedings resulted in making many converts. No doubt the persons engaged in them meant well, but the result could not be equal to what they hoped for, and their action was likely to lead to a breach of the peace. The police, no doubt, would give every protection they could to persons who were annoyed when carrying on their business. He also thought that the proceedings at the Botanical-gardens were out of place, and that people should be allowed to walk about quietly on Sundays without such demonstrations as the honorable member for St. Kilda had described. The attention of the police would be called to the transactions which had been mentioned, and he had no doubt that the action of the police would tend to put an end to them.

Mr. LONGMORE observed that he knew nothing of Mr. Dowie, or of the character of the people who went about with him, but he ventured to say that if the Government were going to put an end to processions they would have a very big job before them. And if they were going to put down all those who said that people who entered public-houses were poisoned, they would have to put down nine-tenths of the community including a lot of hotel-keepers themselves. He had already referred in the House to a statement from hotel-keepers in which they agreed with teetotallers that the number of public-houses should be reduced, because, in what they called the "lower-class houses," nothing but poison was sold. In fact they charged their own class with selling poison. (Mr. Mason— "Where is that stated?") It was stated in a document issued by the secretary of the society of which the honorable member was the champion. The Police Offences Statute was one of the most comprehensive Statutes which could be devised to keep the people in order. There was hardly a thing which any person could do offensive to another that was not mentioned in it. (Mr. Kerferd— "Except what is done in Parliament.") It was a pity that the Act was not in operation in the House, because, if it was, the honorable member would fare very badly. If the hotel-keepers felt aggrieved by the conduct of any persons they should proceed against them according to law, and not solicit the special interference of the police in their behalf. There were 900 or 1,000 hotel-keepers in Melbourne and the suburbs, nearly all of whom, he supposed, were wealthy men, and surely they would not grudge a few shillings to issue summons against any persons who they believed were acting illegally. Why did the hotel-keepers come whining to Parliament for a protection which other people did not demand? What right had they to ask that the Chief Secretary should put the police in motion against Mr. Dowie, who was trying to make people sober, when the police were everlastingly at work endeavouring to keep drunkards and hotel-keepers in order? The hotel-keepers' business, if it might be gauged by results, was to make drunkards, and it was the duty of the police to put drunkards in the lock-up, and afterwards take them before the magistrates. The hotel-keepers' business was notoriously the most troublesome business in the community, and he did not understand why they should whine for more power to be given to the police to put a stop to proceedings in the streets than was already conferred upon them by law if those proceedings were illegal. If a crowd gathered in front of an hotel, no doubt the police would make the crowd move on, but, if they did not, the hotel-keeper could take out a summons against the leaders of the crowd. He (Mr. Longmore) hoped the Government would not be induced to interfere in order to help those hotel-keepers to whom...
Mr. Dowie might announce that they were on the broad way to destruction unless they altered their ways. Such an announcement could not do the hotel-keepers any harm, and it was to be hoped that it would do them a little good.

Mr. Hall said he doubted whether there was any truth in the statement of the honorable member for South Gippsland, inasmuch as that statement was not made from anything within the honorable member's own knowledge, but was based simply upon a paragraph in the Herald—a newspaper which, as everybody knew, was the publicans' friend and the publicans' advocate. He (Mr. Hall) could prove beyond doubt that many statements which had appeared in that journal were totally false. The occurrence complained of was said to have taken place opposite the police court at Collingwood. If that was so, the publican who felt himself aggrieved could easily have obtained the assistance of the police. He was not now speaking either in behalf of or against the publicans, but he was inclined to concur with the honorable member for Ripon that the publican in question had no cause for complaint. As the report had not appeared in any respectable newspaper, he very much doubted whether it was true.

Mr. Zox remarked that the honorable member for Ripon was labouring under a wrong impression as to the object of the honorable member for South Gippsland in calling the attention of the House to Dowie's proceedings. He was quite certain that it was not desired that special protection should be given to the publicans. He was also sure that the publicans of Melbourne, as a class, were a highly respectable body of men, and that they would thoroughly repudiate the assertion of the honorable member for Ripon that it was their business to make people drunkards. The honorable member was perfectly justified in advocating his own opinions as to public-houses, but he had no right to cast undeserved reflections on any class of the community. With respect to a statement made by the honorable member for Moira (Mr. Hall), he felt bound to say that the Herald was as fair as any other newspaper in the colony in its criticisms on public men and public matters.

Mr. Pearson considered that the Government had hardly given the matter which had been brought under their notice the consideration which it deserved. He did not think that the offence of leading a body of people to use insulting language to licensed victuallers outside their houses was one that ought to be lightly passed over. The Police Offences Statute said that—

"Any person who uses any threatening, abusive, or insulting words or behaviour in any public street, thoroughfare, or place, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, shall forfeit and pay, on conviction, any sum not exceeding £10."

It might, however, be very difficult to prove that there was any intention to provoke a breach of the peace, and it was questionable whether a conviction could be got under this provision of the Police Offences Statute if no breach of the peace occurred. He would be sorry to see Mr. Dowie interfered with if he confined himself to explaining his views about temperance to the crowds which he gathered together; but if he was allowed to use highly inflammatory language, an extremely dangerous precedent would be set. The question was where was this kind of thing to stop? If a man who felt strongly on temperance was permitted to act as Mr. Dowie did, might not a man who felt strongly about religion, or politics, or any conceivable subject whatsoever, act in the same way? No reasonable man had the slightest desire to interfere with trade processions, or with any ceremonies of the kind in which the public took pleasure, but there was an enormous difference between those affairs and such processions as had at times been seen—processions which were distinctly meant to excite the worst political or religious passions. He would be sorry to see those kinds of processions legalized in this country, but he desired to repeat that, if conduct of the kind complained of was allowed on the part of a gentleman calling himself a temperance lecturer, the Government might find that a very dangerous precedent had been established. Although he (Mr. Pearson) was a temperance man—one of those who were in favour of local option, and desired to see the liquor traffic restricted as much as possible—he could not agree with the strong language used about that trade. So long as the law allowed public-houses to be open, and so long as they were properly conducted, the licensed victuallers were entitled to all reasonable protection.

Mr. Fisher observed that, to secure a conviction under the section of the Police Offences Statute referred to by the honorable member for Castlemaine (Mr. Pearson), it was not necessary that a person should have used language with intent to provoke a breach of the peace, but it was sufficient if, in the opinion of the magistrates, he had
used language whereby a breach of the peace might be occasioned. The matter to which the honorable member for South Gippsland had called attention was clearly one affecting the administration of the law, and it was to be regretted that the time of the House had been occupied in discussing it. He (Mr. Fisher) was not aware that the administration of the law had broken down at all. When it did break down, it would be very proper for any honorable member to bring the fact prominently under the notice of the House. He, however, believed that at the present time the law was very properly administered, and some people would say that it was very stringently administered.

Mr. MUNRO said he was surprised at the action which the publicans had taken in this matter. They had come to the House to complain of a breach of the law, when it was well known that they deliberately and intentionally broke the law in the way of trade. If they were prepared to say that they did not break the law by trading on the Sabbath Day, he would be quite willing to assist in preventing any annoyance being given to them in any shape or form. (Mr. Mason—"Two wrongs don't make a right.") There were twenty wrongs for one right amongst the publicans. They had deliberately published lies about him in all directions, and had conspired together to do him injury, but the only result of their efforts against him was to do him good. These deliberate law-breakers should keep the law before they were aware that he would not say any thing against those who assisted him in his movement; but if any breach of the peace was threatened, the persons who were guilty of the breach of the law should be punished; but it was not right that time should be wasted by calling the attention of the House to such matters. There were no disturbances created by Mr. Dowie, and those who assisted him in his movement; but if any breach of the peace was threatened

Disparagement of the conduct of a few devout men who met together in the Botanic gardens on Sunday to sing songs of praise to the Most High; but he would ask the honorable member to contrast those songs of praise with the blasphemy to be heard in the streets of Melbourne and in the surroundings of a public-house, and say which ought to be preferred to the other. He was astonished that there should be found any honorable member who would try to cast obloquy on a movement like that in which Mr. Dowie was engaged. Parliament should be the centre of religion and morals, of everything that was high-toned, and everything the people could look up to; but he found there were honorable members who, with sarcasm deep and subtle, tried to throw a mantle of oblivion over this work. Why did they do so? Simply for the sake of worldly gain. That was at the bottom of their action in the matter. (Mr. Carter—"You are too good for this place.") He was not good enough; but he thought that if honorable members who had said so much against the reverend gentleman could only take to their bosoms brands plucked from the burning, they would not speak as they had done. It had been insinuated that he (Mr. Gardiner) wished to make it appear that hotel-keepers were a set of poisoners, but no one stood higher in the estimation of the hotel-keepers of Carlton than he did. The reason was because he knew them personally, and they were aware that he would not say anything against them, though he might give them a word of advice. The honorable member for South Gippsland wished to put down processions of persons engaged in a good and devout work, but why should such processions be put a stop to when other street processions were allowed—such, for instance, as the one that took place on the anniversary of the eight hours movement, and the torchlight procession held, the other night, in celebration of the British victories in Egypt? Persons were entitled to parade the streets so long as they conducted themselves in a proper and reasonable manner. If there was any breach of the law committed in connexion with the demonstrations of which the honorable member for South Gippsland complained, the persons who were guilty of the breach of the law could be punished; but it was not right that time should be wasted by calling the attention of the House to such matters. There were no disturbances created by Mr. Dowie, and those who assisted him in his movement; but if any breach of the peace was threatened
in connexion with their proceedings, it was owing to the conduct of bystanders who objected to the movement in which Mr. Dowie was engaged, and who ought to walk quietly on, and not pelt with rotten eggs persons who were trying to do good. He trusted that the Government would not adopt any steps to prevent these gatherings taking place.

The motion for the adjournment of the House was put and negatived.

COUNCIL SUPPLEMENTARY ROLLS (1882) BILL.

The debate on Sir Bryan O'Loghlen's motion for the second reading of this Bill (adjourned from Wednesday, September 27) was resumed.

Mr. DEAKIN.—Mr. Speaker, I do not intend to detain the House at any length, inasmuch as the Bill before us is simply a Bill to provide machinery for effectually carrying out, at the next elections for the Legislative Council, a measure which has already passed the Assembly in spite of the opposition of several honorable members. That measure, even according to the admission of the Premier, who introduced it, and of those honorable members who supported him in passing it, is a measure for making plural voting more easy— for facilitating plural voting—and so, indirectly, for multiplying plural votes, in the election of members of the other Chamber. The passing of that measure has had the further effect of giving the deliberate sanction of this House to a principle which, at one time or another, the majority of the members of this Chamber have shown themselves to be hostile to. As, however, honorable members on this (the opposition) side of the House will sooner or later have the opportunity of bringing the question again to the test—I trust that they will bring it again and again before the public until plural voting, at all events in connexion with this Chamber, is entirely abolished—I shall not occupy the time of the House on the second reading of this measure, which, as I have already said, is merely a machinery Bill. I shall content myself at present with entering an emphatic protest against the principle to which the Bill is intended to give effect, and recording my vote against the measure. I intend, however, when the Bill is in committee to ask the Attorney-General to consent to the addition of a clause to allow the names of any electors for the Council under the Reform Act who may have been disfranchised by any negligence or oversight on the part of the officers preparing the rolls to be placed on the special supplementary rolls provided for by the Bill. The honorable member for Carlton had drawn attention to the fact that in his district a number of persons have been disfranchised by some omission or negligence on the part of the officers; and the object of the new clause which I suggest should be inserted is simply to have the names of all such persons placed on the supplementary rolls which are to be prepared under the Bill. I think there can be no objection to insert such a clause, as it involves no new principle, but simply provides that the victims of mistake or neglect shall receive their just rights by having their names placed on the proposed supplementary rolls.

Mr. FISHER.—Sir, I do not think that the honorable member for West Bourke (Mr. Deakin) has fully considered the subject of the new clause which he suggests should be added to the Bill. I cannot understand by what sort of machinery those persons who happen to have been omitted from the electoral roll are to be placed on the supplementary roll provided for by the measure. Who is to be the judge whether the names of any persons have been improperly omitted? Is the registrar, the collector, or the valuer to be the judge? There is ample machinery under the 30th section of the Reform Act for persons whose names have been improperly left off the roll. That section says—

"If any registrar shall improperly or erroneously omit the name of any ratepayer from any roll which such registrar is hereby required to make out or certify, such ratepayer may by notice in writing signed by such ratepayer require the said registrar to appear before the court of petty sessions for the locality at a time and place in the said notice mentioned to show cause why the name of such ratepayer should not be added to the roll of ratepaying electors.

The said court shall thereupon cause to be drawn up and shall sign a certificate of its decision and shall forward the same to the returning officer, and the returning officer shall immediately upon the receipt at any time of such certificate (unless the same be received by him between the day of nomination and the day of polling at any election) insert such name in the roll of ratepaying electors in accordance with such certificate."
believe that the measure which has led the Government to bring in the Bill was wholly unnecessary. The 21st and 22nd sections of the Reform Act give votes for the Council to joint owners, joint lessees, and joint tenants, and those sections very properly contain the following proviso:—

"Provided that the names of the persons so entitled to vote shall appear in the rate-book." The object of this proviso was to prevent roll-stuffing, and why should the wisdom, discretion, and sound judgment, which caused the members of another place to insert it, have been interfered with by any tampering with the Reform Act. If it could have been shown that the names of any persons entitled to vote could be kept off the roll, I could have understood the reason for bringing in an amending Bill, but that has never been shown. On the contrary, it was completely demonstrated at the conference which took place between the two Houses that, if the names of any persons were not put on the rate-book in accordance with the provisions of the Local Government Act, it was in the power of a court of petty sessions to act summarily, in the way laid down in the 30th section of the Reform Act, and order any names improperly left off the rate-book to be put upon it. The only thing gained, if it is a gain, by the amendments made in the Licensees Qualifying Bill at the instance of another place, is that a number of persons may be saved a little trouble. The Reform Act contains every necessary provision whereby all persons entitled to be put on the rolls can be put on, and I regret that it should be tampered with. Why should we interfere with an Act which was passed under very great difficulties, and was said to be a settlement of the reform question for a considerable time to come? The understanding all round was clearly that passing that Act would tend to allay public anxiety; whether all honorable members cordially agreed with the provisions of the measure is quite another matter. Parliament, however, has been called upon to alter it before it could come into operation.

Mr. MIRAMS.—The Attorney-General of the Government who carried the measure described it as "an unsettling settlement."

Mr. FISHER.—Still there is no reason why the unsettling should be done in the way now proposed.

Sir B. O'LOGHLEN.—The honorable member himself asked for special legislation to enable licensees to vote.

Mr. FISHER.—I did so, but why? Because the Premier had, in his capacity as Attorney-General, given an opinion with regard to licensees being placed on the roll which he ought not to have given, and which had—I speak with great respect—an erroneous foundation.

Sir B. O'LOGHLEN.—But the honorable member subsequently asked for a special Bill to enable licensees to vote at the next elections.

Mr. FISHER.—I did so on substantially the old ground—because I believed that a good number of the collectors and valuers of the country would act on the opinion the Attorney-General had given. Now, however, I am satisfied, from information I have received, that very few licensees will be left off the rolls. Moreover, with all my anxiety that the licensees should appear on the rolls, I am even more anxious that the Reform Act should not be tampered with—that no change in its machinery should improve any benefits it may confer out of existence. I see no reason whatever why, within eighteen months of the passing of the Act, and before its operation could be tested, an important proviso should be struck out of it. When the Licensees Qualifying Bill was under consideration, stress was laid on the circumstance that the Reform Act would have to be construed with the Electoral Act, and I was impressed, to a certain extent, by that aspect of the case, but I wish to point out now that, under section 33 of the Reform Act, the taking the two visitos to sections 21 and 22 of the former a variance, with which it will be most unwise to interfere, is brought about. With all this before me, I cannot but doem the Bill ultra vires, and urge that it should be dropped. If that is done no one will be injured, because the provisions of the Reform Act, rightly construed, are ample for everything.

Mr. PEARSON.—Sir, I have no doubt that the passing of the Bill is a foregone conclusion. The liberal party are simply tied hand and foot in the matter by the Council. Honorable members on the Government side speak of carrying the measure as the transaction of a very trifling piece of business, and the change to be effected may appear in one sense to be an exceedingly small one, but it is the duty of liberal members to regard the subject in another aspect. If under the Licensees Qualifying Bill the rights of
every class of elector in the country will remain exactly what the Reform Act intended it to be, how can the pressure brought to bear by the Council with respect to the question be accounted for? Would they have risked a conflict with this Chamber to secure something of no real importance? Would there be such earnestness and vehemence on their side if there was nothing to be gained? Certainly not. And what is to be won? Unquestionably facilities for plural voting. In truth the liberal party were called upon to make a greater sacrifice than any they have made during the last five years. And by whom were they required to make it? By, of all men in the world, the Premier, who began his political life five years ago as one of the staunchest of liberals, but who, when he discovered that licensees were excluded from voting under the Reform Act, instead of taking steps, as he was bound in justice to do, to secure their rights, transcended his duty altogether by practically issuing to the electoral registrars of the country the instructions of doubtful legality which made the disfranchisement of the licensees doubly sure, and afforded an opportunity for all that followed. The liberals fell completely into the trap, and passed the Licensees Qualifying Bill, which the Council were enabled to transmute into one claiming for them what they never dared to claim while the great reform struggle was going on. What will be the effect of the arrangement? Practically the use of plural voting against the liberal side in every possible way, and in every part of the country. Conservative clubs will start up everywhere to create fogot votes, and possibly there will be liberals to follow the example. I am quite unable to regard all these contingencies as a slight affair. On the contrary, what I see is that whereas a year or so ago the Council steadily objected to reform, because it would diminish the influence of the class they represented, they are now reconciled to it because, under the amendments of the Reform Act obtained for them by the Premier, all that influence will be regained. It is idle to suppose that the Council are now merely anxious to enfranchise the licensees at the coming elections. They are to have a triumph, but what will be its result? That a time will come when the people will find themselves unable to tell whether a Council election represents the feeling of the country or the feeling of property, and that then there will commence a re-action, the object of which will be to purge the Constitution of the vicious principles it will owe to the present Premier.

The House divided on the question that the Bill be now read a second time—

Ayes: 32

Noes: 23

Majority for the Bill: 9

Mr. Blackett, Mr. MeLean, Mr. Barr, Mr. McCall, Mr. Bolton, Mr. Manro, Mr. Bosigo, Mr. Patterson, Mr. Bowman, Mr. Pearson, Mr. Burrowes, Sir B. O'Loghlen, Mr. Cameron, Mr. Orkney, Mr. Carter, Mr. Fraser, Mr. Cooper, Mr. Gillies, Mr. Francis, Mr. Wilson, Mr. Frager, Mr. Grant, Mr. Zox, Mr. Harris, Tellers, Mr. Levien, Mr. Graves, Mr. McIntyre, L. L. Smith.

Mr. Anderson, Mr. Cook, Mr. Langdon, Mirams, Mr. Langdon, A. T. Clark, Mr. Roberson, Mr. Wrixon, Dow, Mr. Wrixon, C. Young, Rees.

The Bill was then read a second time, and committed.

On clause 6, providing that any person objecting to any name in any special supplementary list should, before the 27th October, "give notice of such objection in the manner and subject to the payment prescribed by the Electoral Act 1869," Mr. FISHER inquired what section of the Electoral Act was referred to?

Sir B. O'LOGHLEN replied that the clause adopted generally the machinery of the Electoral Act.

Mr. FISHER asked why the machinery provided under section 30 of the Reform Act was not relied upon?

Sir B. O'LOGHLEN stated that the shortness of the time before the elections made it necessary to resort to the provisions of the Electoral Act.

Mr. FISHER contended that the section of the Reform Act referred to was simply sufficient for every purpose the Bill
had in view. Under it, any name omitted from the roll could be inserted there, or any name objected to could be removed.

Dr. MADDEN observed that the machinery preferred by the honorable member for Mandurang (Mr. Fisher) would not apply to the special case the Bill dealt with.

Mr. FISHER said he entertained a very different view, namely, that the machinery of the Reform Act was applicable at any time.

Dr. MADDEN expressed the opinion that that was not the case.

On clause 9, enacting that the special supplementary rolls should continue in force until new general rolls were prepared,

Mr. FISHER asked if it was possible for the Bill to affect the country constituencies?

Sir B. O’LOGHLEN replied that if the measure was carried that night it would have due effect in every constituency in the country, and enable some 2,000 or 3,000 licensees, who would otherwise be disqualified, to vote as they thought proper. At the present moment those licensees were on the qui vive to take advantage of the Bill becoming law.

Mr. FISHER said he did not believe the number of licensees who would be disqualified if the Bill was not passed was anything like 2,000 or 3,000. Here and there in the country a licensee’s name might be omitted from the roll, but, except in extremely rare instances, there had been no systematic leaving out of such names on the part of the registrars.

Mr. FISHER said he did not wish to impede the action of the Government at the present moment. The Bill had been subjected to very little opposition notwithstanding that many honorable members were strongly opposed to it, but why should it be treated as if it were an exceptionally favoured Bill?

Sir B. O’LOGHLEN stated that the Bill ought to be passed through all its stages now because it was very urgent. It would be very convenient if the Bill could be disposed of that night, as in that case the machinery which it provided could be put in motion next day, and directions could be given by telegraph to the various registrars in the country to make up the supplementary rolls.

Mr. PEARSON observed that, if there was a good practical reason, such as had been indicated by the Premier, for passing the Bill, he would withdraw his opposition.

Mr. McCOLL remarked that, in reply to the honorable member for Carlton, the Premier said that names which had been erroneously omitted from the rolls could be inserted under the provisions of the Reform Act. He (Mr. McColl) desired to point out, however, that under that Act no provision was made for a court of revision.

Sir B. O’LOGHLEN stated that there was a special provision in the Reform Act for those whose names had been omitted. The Bill provided for another matter altogether.

Mr. FISHER observed that, as honorable members were not thoroughly seised of the effect of the Bill, the third reading should be postponed until next day.

Sir B. O’LOGHLEN said that, as he had already pointed out, it was necessary to get the Bill through as soon as possible, in order that its machinery might be put in motion.

The motion was agreed to, and the Bill was read a third time and passed.

MELBOURNE HARBOUR TRUST ACT AMENDMENT BILL.

On the order of the day for the further consideration of this Bill in committee, the Clerk read the following resolution passed by the House on August 16:

"That the Melbourne Harbour Trust Commissioners be permitted to be heard by counsel at the bar of the House, in reference to the Melbourne Harbour Trust Act Amendment Bill."
The SPEAKER.—Before leaving the chair, I desire to call attention to the petition from the Melbourne Harbour Trust. The Bill was first introduced as a public Bill, but, at the desire of the House, it was at my recommendation treated as a private—or it might perhaps be better termed a hybrid—measure, and was referred to a select committee, which took evidence from persons occupying property affected by the Bill. This present petition appears to contain a reference to other property which the promoters wish to obtain control over. It states that the petitioners find one of their most urgent requirements to be “the possession of jurisdiction over the land at the Fisherman’s Bend for the proposed channel,” and, as that land is outside of the Bill before the House, the operations of the commissioners in respect to it may involve interference without notice with the rights of persons at present in possession of it.

Mr. NIMMO observed that there were no persons occupying the land referred to in the petition. The Harbour Trust Commissioners had in the petition excised from the Bill all land which was in the occupation of persons whose rights would be interfered with.

Mr. A. T. CLARK remarked that if the scheme proposed by the Harbour Trust Commissioners was carried out, the diversion of the Yarra would interfere with property which had been bought from the Crown on the understanding that it was to be retained.

The SPEAKER.—As the Harbour Trust Commissioners appear to be desirous of obtaining possession of land not specified in the Bill before the House, I thought it right to mention the matter, so that the House may guard the rights of those persons occupying the land, or satisfy itself that there are no such persons. If the principle be once admitted that the promoters of a private Bill can claim possession of property other than that asked for in their Bill, great wrong might be done at some future time.

Mr. ORKNEY stated that no new interests were affected by the petition.

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

Mr. Vale, as counsel on behalf of the Melbourne Harbour Trust, appeared at the bar, and addressed the committee in support of the Bill.

On the conclusion of Mr. Vale’s speech, Sir B. O’LOGHLEN moved that progress be reported.

Mr. CARTER said he desired to ask the Premier whether the Government would consider the propriety of at once introducing a short Bill which would accomplish the three principal objects which had been dwelt upon in the very eloquent and able speech of Mr. Vale? If the matter was to be allowed to drop, Mr. Vale might as well have delivered no address. The first point was that of validating the acts which the Harbour Trust had already performed. Ho (Mr. Carter) thought that, in common honesty, Parliament, having created the trust, was bound to validate the past acts which it had done under the authority of the Legislature. Secondly, it was necessary that the trust, if it was to carry out its labours to a successful issue, should have funds, and it would be unfair and foolish for Parliament, after having created the trust and authorized it to do certain things, to prevent it from completing its labours by withholding the power it required to borrow money. In the third place, it was necessary that the trust should have possession of certain lands to enable it to carry out Sir John Coode’s scheme for the improvement of the port of Melbourne. These were three matters concerning which there was no dispute, and, if the address which had been delivered at the bar was not to be regarded as a mere piece of “hifalutin,” the Government should go a step further and bring in a Bill embodying the three main points he had mentioned. The question of the constitution and election of the trust, about which there were considerable differences of opinion, was of comparatively small importance to the public, and could be postponed for further consideration. He maintained, however, that it was the duty of Parliament, before the present session closed, to validate the past acts of the trust, to give it the lands it required, and to enable it to borrow money to carry out its objects.

Sir B. O’LOGHLEN remarked that, strictly speaking, the petition presented from the Melbourne Harbour Trust was not in order. What the Assembly had before it was the Melbourne Harbour Trust Act Amendment Bill, which was originally promoted by the Harbour Trust, which had been before the Assembly for two sessions, and which had arrived at a certain stage. The Harbour Trust now petitioned the House that a new Bill—a Bill different from that which they themselves promoted, and which had reached a certain point—should be brought in. Out of courtesy to the Harbour Trust, and also having in view the great importance of the subject, the Assembly had consented to hear counsel on behalf of the
Mr. ORKNEY said he wished to correct a wrong impression on the part of the Premier with respect to the Melbourne Harbour Trust Act Amendment Bill. It was true that the Bill was promoted in the first instance by the Harbour Trust, but when it was referred to a select committee it was very much altered in regard to matters which the Harbour Trust never asked or intended to be dealt with. Matters were imported into the Bill which were never sought for by the trust nor demanded by the public. For political objects alterations were proposed in the constitution of the trust which were certainly antagonistic to the wishes of that body, and which would be detrimental to the public interest if carried out. He thought it would be a great cause for regret if the actual requirements of the trust were not granted, simply because certain members of the select committee thought proper to introduce other matters which were not demanded. Legislation on the points mentioned in the petition of the Harbour Trust was imperatively called for, and he would appeal to the honorable member for Williamstown, who knew the wants of the shipping of the port, to deal fairly for the sake of the colony generally with this important public measure, and not to allow public considerations to be subordinated to local objects. He trusted the Government would support the proposal of the trust, and have the measure passed without further delay.

Mr. LONGMORE observed that there was no doubt that the case of the Melbourne Harbour Trust had been put before the committee with great ability by Mr. Vale, but it must be remembered that their case, as now put, was a fresh departure. One would almost think that the Melbourne Harbour Trust was a body with certain rights and privileges which Parliament had no right to interfere with, that the harbour of Melbourne and its approaches belonged to it, and that Parliament was not entitled to say anything whatever with reference to the trust's mode of dealing with them. He was pleased to find that the Government realized the difficulties of the situation. When the Harbour Trust came to Parliament for a new Act giving it more power, the Assembly considered that the trust was not properly constituted. The House determined that the trust should have a different constitution, and that under the proposed new Act it should be a different body altogether from what it was at present.
That was where the matter pressed so hard. What the Assembly wanted was representation in the expenditure of money, and it had not got that in the present Harbour Trust. That body now asked for power to borrow £1,000,000 without any responsibility whatever. (Mr. Blackett—"The Harbour Trust are spending their money very well.") That was not the question at issue, although he did not quite agree with the honorable member's remark. He wanted the Assembly to refuse to give the present Harbour Trust the power to borrow and spend the proposed £1,000,000. Footscray, Williamstown, Emerald Hill, Sandridge, and other municipalities specially interested in the port of Melbourne had a right to have representation on the trust. (Mr. Walsh—"So they have.") They ought to have double the representation that they had now. (Mr. Walsh—"That would be unfair.") The Assembly had determined to extend the electoral body which should control the trust. A large steam navigation company in the city had got into trouble with the trust. They had not the slightest hesitation in charging members of the trust with helping themselves to the best positions on the wharfs. It was the duty of the House to protect any shipping company against such a cause for complaint by taking care that there was proper representation upon the Harbour Trust. (Mr. Francis—"Charges are not proofs.") The charges to which he referred were not denied. (Mr. Carter—"They have been denied.") A few shippers down the wharf had nearly the whole power on the Harbour Trust, whereas the power ought to be in the hands of the people of Melbourne and the suburbs. If the institutions of the colony were democratic, it was the duty of honorable members to see that the Harbour Trust was a democratic body. It was not so at present. (Mr. Orkney—"It is not a political body.") He could tell the honorable member that it was profoundly political. It was a body which the House should not tolerate for one hour longer than it could help. The House had no right to give any small clique the power to borrow and expend £1,000,000 and a revenue of £90,000 a year. He objected to the hurry which there seemed to be over the Bill. He intended, at the proper time, to test the opinion of the Assembly as to whether there ought not to be a straight canal from Melbourne to the Bay, instead of the cutting across Fisherman's Bend. He did not understand why a vast sum of money should be expended in making a cutting which would only shorten the distance to the Bay about a mile, when it might be reduced from six miles and a quarter to two miles by a short canal. What was the object of the proposed cutting at Fisherman's Bend? (Mr. Zoë—"To carry off the flood waters.") The flood waters could be carried off much quicker by a straight canal. (Mr. Francis—"It would extinguish Williamstown.") He could not see how Williamstown would be likely to be extinguished more by one scheme than the other. A straight canal would be much more valuable than the cutting, and it could be made for half the money, and in half the time. What was the use of a cutting which would allow only 22 feet of water at low tide? There must be a canal 30 feet or 32 feet deep to be of any service for enabling large ships to come up to the wharfs in Melbourne. There was no reason why a canal 32 feet deep should not be constructed. Some honorable members supposed that it would silt up at the mouth, but there was no greater danger of a canal silting up than there was of the river silting up. He trusted that honorable members would not be driven to deal with the Bill in a hurry, but that they would consider well what scheme would be best for the port of Melbourne for the next 50 or 100 years. Why should the Harbour Trust dribble away money on a ditch like the Yarra, when a canal might be cut to the Bay which would enable ships to be brought right up to the wharf without any difficulty whatever? The gentleman who had been pleading at the bar on behalf of the Harbour Trust said that this scheme was condemned by Sir John Coode, but the Assembly must take the matter into its own hands, and deal in a proper way with the question of giving facilities for the trade of the port. Certainly, honorable members ought not to place the powers asked for by the Bill in the hands of an irresponsible body of men.

Mr. Walker remarked that the honorable member for Ripon seemed to be of opinion that, because the constitution of the Harbour Trust was not exactly what he wished it to be, therefore nothing should be done to enable that body to carry out the objects for which it was established. The question at issue was not one affecting merely the Harbour Trust or any small section of the population, but it affected the whole community. Every additional shilling per ton paid for the lighterage of goods to or from the Bay was a tax upon the whole community, and therefore any honorable member who deliberately stopped the way for lightening
the charges for the carriage of goods was an enemy to the whole community, and was helping to impose burthens upon them. He did not at present desire to make any remarks about the constitution of the Harbour Trust, but he would point out the absurdity of the argument of the honorable member for Ripon that certain municipalities in the vicinity of Melbourne ought to be represented on the trust. If there was anything in that argument, the whole people ought to be represented on the trust. The honorable member said he did not wish the Bill to be rushed through, but it was years since the Harbour Trust applied to Parliament to amend their existing Act. The Bill ought not to be hung up any longer. He hoped that the Premier would appoint a night for dealing with the measure, and making any amendments in it which might be deemed necessary; but to allow it to remain in the position in which it now was would be a disgrace to the Legislature and to the country.

Mr. NIMMO said the Harbour Trust Bill had been before the House for two years, and three successive Governments had promised that it would be dealt with, and passed in some shape, but those promises had not been carried out. He was greatly disappointed at the delay which had taken place over the measure, but the fault was not his, and he considered himself to a great extent relieved from the responsibility which pressed upon his shoulders during the six months that he occupied the chair of the select committee to which the Bill was referred. The honorable member for Ripon had raised the question of a straight canal as against a cut through Fisherman’s Bend, which was recommended by Sir John Coode; and the honorable member had also tabled a motion to the effect that the direct canal ought to be constructed. He (Mr. Nimmo) would, therefore, make a few remarks on that subject, but he wished honorable members to bear in mind that it had nothing to do with the vexed question of the constitution of the Harbour Trust. He had satisfied himself, by careful inquiry, that Sir John Coode, who was a most eminent engineer, was right in his scheme. It was the duty of the Harbour Trust, before carrying out large and expensive works of harbour improvement, to procure the very best engineering advice obtainable as to the character of the works which should be undertaken, and they did so. Sir John Coode came out to the colony at the special request of the trust, and his visit was made at a very opportune time, inasmuch as there was a flood in the Yarra while he was here. He was totally independent of local influences, and he had no personal interest to serve, his sole object being to advise what was best to be done for the permanent improvement of the port of Melbourne. Sir John Coode had submitted to the Harbour Trust a well-devised and comprehensive scheme; but certain writers in one of the leading journals of the colony—the Age—as well as the honorable member for Ripon, and the writers of certain pamphlets which had been circulated amongst honorable members, considered that he had made a great mistake in recommending a cutting through Fisherman’s Bend in preference to a straight canal. In weighing the merits of the two schemes, however, those writers altogether omitted to observe the inconveniences, risks, and dangers inseparably connected with the project of a straight canal. They seemed to attach no importance whatever to the fact that if the straight canal was made upwards of 2,000 acres of land, which would be suitable for houses and workshops if Sir John Coode’s scheme was carried out, would be rendered comparatively valueless—would be converted into a kind of desolate island. Again, they did not seem to see the necessity of unifying Hobson’s Bay with the railway station at Spencer-street by means of docks at the West Melbourne Swamp. The straight canal would put an end to the construction of those docks unless two dredges were kept in constant operation, at great expense, between the gasworks and the mouth of the Yarra. The construction of the canal would also necessitate the erection of walls on both sides of its mouth, in order to protect it, and that in a very few years would destroy a large amount of anchorage ground off Sandridge. Moreover, the writers who advocated the straight canal seemed not to be cognizant of the fact that, if the canal was made, the scouring force of the waters now discharged at the mouth of the Yarra would be lost. The scouring force was dependent upon three simple causes: first, the depth of the river; second, the area of the gathering ground; and, third, the material of the bed of the river. The gathering ground of the Yarra was equal to 1,500 square miles, or 44,326,656,000 square feet, over which area there was a mean rainfall of 24 inches, equal to 86,653,312,000 cubic feet per annum, which multiplied by 6.25 gave an annual discharge at the mouth of the river which was equal to 554,083,200,000 gallons, or 2,473,585,714 tons. The gathering ground of the Saltwater River was equal to 560
square miles, and, as the rainfall over that area was equal in depth to that from which the Yarra was supplied, its annual discharge must be equal to 195,148,800,000 gallons, or 871,200,000 tons. The daily flow of the Yarra was 1,518,036,179 gallons, or 6,776,947 tons; and the daily flow of the Saltwater River was 534,654,246 gallons, or 2,386,849 tons. The daily combined flow of these two rivers was equal to 2,052,690,425 gallons, or 9,163,796 tons. If the force exerted by the daily flow of this large body of water was barely equal to the work of keeping a mouth clear that was common to the Yarra and the Saltwater River, he was at a loss to know where data could be obtained that would warrant any engineer in predating that the same force would continue to be exerted at the point now forming the confluence of these two streams after the 9,163,796 tons had been reduced to 2,386,849 tons, which reduction would really take place by the construction of a straight canal from the gasworks to the Bay. The mouth of the Saltwater River would be deprived of the scour from the Yarra, and the mouth of the straight canal would be deprived of the scour from the Saltwater River, and thus the efficiency of that force which was now being exerted with advantage to both rivers would be almost completely neutralized. Sir John Coode had carefully considered the respective merits of the straight canal and the scheme which he recommended, and his decision might be regarded as that of an impartial umpire. By granting the Harbour Trust the powers asked for in the Bill, that body would be placed in a position to enter immediately upon the execution of works which, when completed, would render life and property on both banks of the Yarra comparatively secure from the ravages of floods. This circumstance alone—apart altogether from commercial considerations or any question as to the basis of representation on the trust—ought to induce honorable members not to offer any undue opposition to the measure. It would be well for them to bear in mind the risk to which life and property on the banks of the river, from Collingwood to the sea-board, were exposed in the event of a flood. In the district which he represented no less than £60,000 worth of property was destroyed by the last great flood in the Yarra, and many lives would have been lost but for the bravery and heroism of the sons of Emerald Hill, who rescued women and children from the danger with which the flood waters threatened them.

Mr. Nimmo.

The Harbour Trust Bill was scarcely second in importance to any measure that had ever been before Parliament, and he trusted that it would be dealt with without any further delay.

Mr. BERRY observed that there was no doubt that the Harbour Trust Act required amendment. He did not approve of the Act at the time it was passed, for it handed over a large portion of the public revenue to a nearly irresponsible body; but the Parliament of the day resolved to create the trust, and vest it with the powers contained in the measure. Soon afterwards doubts arose as to the legal status of the trust—whether, in fact, any contracts into which it entered were binding—and an amending Bill was brought in to remedy the defects of the Act and give the trust larger borrowing powers. It seemed almost like a past age when that Bill was brought in, but only about two years had since elapsed. Notwithstanding the pressure upon the Government of the day in connexion with the reform question, the honorable member for Emerald Hill (Mr. Nimmo), who was in charge of the Bill, was able to proceed with the measure up to a certain stage, and, at the close of the session, leave was given to him to renew it in the following session at the stage at which it had then arrived. Since then one whole session had passed, and the present session had already lasted six months, yet the Bill had not advanced a single stage since he (Mr. Berry) was the head of the Government. Whose fault was that? What was the reason that the measure had not been dealt with before now? The blame rested upon the Harbour Trust Commissioners, who passed a resolution practically taking the matter out of the hands of the honorable member who had charge of it, because the Assembly endeavoured to rectify an error in the original Act by making the trust a more responsible body. The honorable member for West Melbourne (Mr. Orkney) had lectured the Assembly that night as if the Harbour Trust were an independent body, who were investing their own moneys, or as if they were a private company; but practically the trust were a select committee appointed by the House to expend public money, not a shilling of which was expressly contributed by the constituents of the trust. The commissioners had no such locus standi as entitled them to object to the alterations in the electoral body of the trust agreed to by the House nearly two years ago. They were not a private company. They were not in a position analogous to that of the Melbourne Tramway and
Omnibus Company, who proposed to expend their own money, and had a right not to proceed with their Bill if they objected to the conditions which the House desired to enforce upon them. The commissioners ought to accept such an amending Harbour Trust Bill as would enable them to carry out their functions as rapidly and effectively as possible, but they had no right to delay the Bill simply because the House chose to alter the constitution of the trust. All the delay that had arisen had occurred because the House had determined to change the constitution of the trust. Had the commissioners accepted the amendments made in the Bill two sessions ago, there would have been no difficulty in proceeding with the measure on those lines. Provided that those amendments were accepted, he did not suppose that there would be much difficulty in fixing what amount the trust should be allowed to borrow, if reliable data were furnished to the House in regard to the sum required to carry out the harbour improvements. (Mr. Longmore—"Hear, hear.") He knew no reason why the Bill should not be passed in a couple of nights if the Harbour Trust Commissioners would recollect that they were not dictators in this matter. They had been called into existence by the House, they were paid for their services under the Act, and the House had as much right to put them on one side, or appoint others in their stead, or change the electoral body of the trust, as it had to deal with any public money not appropriated for the purposes of the trust. He did not wish to express any opinion as to the wisdom of all the expenditure which had already been incurred by the trust. It was sufficient for his argument that the trust commissioners had been duly elected under an Act of Parliament, and that that Act had since come under the review of the Assembly, the members of which desired to remedy the defects in it, and, if possible, to place the trust on a footing whereby it would be of practical utility, not only to the port of Melbourne, but to the colony at large. The improvement of the port of Melbourne was a question of national importance, and there was no earthly reason why the shipowners and merchants of Melbourne should have the exclusive possession of the trust. It ought to have been provided in the original Act that the trust's estimates of expenditure and plans of harbour improvements must be submitted for the approval of the House. That, however, was not done; but now, when the commissioners asked for an amending measure to cure the defects in the Act, to legalize what they had done, and to give them larger borrowing powers so as to enable them to complete their national work within a reasonable time, it was right for the Assembly to consider whether the electoral body ought not to be widened, so as to secure the election of commissioners who would not represent merely individual interests. (Mr. Kerferd—"The trust is not elected exclusively by shipowners and merchants.") He knew that the Governor in Council appointed some of the commissioners, and that others were appointed by certain municipalities. What he meant when he referred to the trust being exclusively in the hands of shipowners and merchants was that the shipowners and merchants exclusively elected those commissioners who were elected. There was no earthly reason why they should have the exclusive electoral power. The electoral body ought to be widened. Some public scandals had occurred in connexion with the trust. In the cases of certain dock owners on the Yarra the commissioners had exercised arbitrary powers such as would scarcely be tolerated if exercised by any Government. Moreover, a complaint had been made, and never publicly contradicted, that a shipping company had been unfairly dealt with in the interests of other persons favoured by the commissioners. It was only natural that a power directed by a small electoral body would be apt to do things which were not altogether satisfactory from a broad public point of view. It was of no use for the House now to discuss which was the best mode of improving the port. That matter, he was afraid, had passed out of its hands; but he thought it would have been better if the House had reserved to itself the power of deciding what particular form of harbour improvements should be adopted. All that the House could now do was to widen the present narrow electoral basis of the trust, so as to include in it the ratepayers in all the districts likely to take a deep interest in the improvement of the port. If that was done, he knew no reason why the Bill should not be passed this session.

Mr. ZOX said he was glad the necessity for the legislation the Harbour Trust asked for was now acknowledged by the Opposition, and he hoped they would give all the assistance they could to carry it. It was surprising that, directly Mr. Vale finished his speech, the Premier moved that progress be reported, but, nevertheless, the Government might fairly be asked to afford an early
opportunity for the discussion of what the trust had in view. If the Premier would promise a concession of that sort, a great deal of time would be saved. Surely no one would deny that it was the wish of the House generally to give the trust the validation of their acts and the borrowing power they desired. The most serious objection urged against the trust was on the ground of their personnel, but it was not to be supposed that honorable members who had the public interests at heart would allow any motive of that sort to stand in the way of truly important legislation. The Premier asserted that to a certain extent the petition of the trust was illegal. (Sir B. O’Loghlen—“I said it was not in strict order.”) But what was the use of letting Mr. Vale speak at the bar if some practical result was not to flow from the proceeding? To come back to the point—would the Government give the House an early opportunity of dealing with the Bill the trust wanted? If they would not, he (Mr. Zox) would oppose the motion for reporting progress. Unquestionably, unless a Bill of the kind became law within a certain limited time, the public interests at heart would be better to do this or that, it was an utter farce. He felt common patience with individuals who, with no special engineering skill, professed themselves unable to agree with the views of the Premier and the honorable member for Williamstown (the most determined opponent the Harbour Trust had known) that they would cordially agree in supporting legislation on the basis he (Mr. Francis) indicated. Under these circumstances, why should not honorable members join in passing a Harbour Trust Act Amendment Bill that would place the trust in a fair position to enter upon a new career of usefulness? They had already done a great deal, and it could not be denied that their proceedings were marked by economy, which seemed impossible while every harbour work was carried on by the Public Works department. Altogether they had vastly improved the port. As to honorable members expressing opinions differing from the recommendations of Sir John Coode, and asserting that it would be better to do this or that, it was an utter farce. He felt it impossible to have common patience with individuals who, with no special engineering skill, professed themselves unable to agree with the views of the Harbour Trust upon points which had been to all intents and purposes practically settled at the cost of many thousands of pounds by one of the first engineering authorities of Europe. Were he a Harbour Trust Commissioner, he would urge his colleagues as strongly as he knew how to waive their objections to the proposed alterations in the

Mr. FRANCIS remarked that his great desire with respect to the Harbour Trust question was to drag, as it were, the cart out of the mud. If the stand now taken by the Government was a fixed one, and the Harbour Trust were equally solidly purposed in another direction, what would happen? Unquestionably that the harbour works of the port would drift back into their old position. On the other hand, there could be little doubt that, if the plan of representation in connexion with the trust which was before the House about two years ago were adopted, something might be done. Under that scheme, for instance, the number of the commissioners to represent the merchants and shipowners was reduced from six to three. (Mr. Carter—“That was carried upon your own motion.”) No doubt he made the proposal, but why did he do so? Was it not in order that a compromise might be arrived at? Was it not with the view of meeting the objections entertained to the dominant influence exercised over the trust by the merchant and ship-owning class, and the Melbourne Corporation? The point was that if with respect to the Bill each party interested would make up its mind to be content with what it could get something might be accomplished, but if the case was otherwise it would not be possible to do anything. He might mention that he had the personal assurance of the Premier and the honorable member for Williamstown (the most determined opponent the Harbour Trust had known) that they would cordially agree in supporting legislation on the basis he (Mr. Francis) indicated. Under these circumstances, why should not honorable members join in passing a Harbour Trust Act Amendment Bill that would place the trust in a fair position to enter upon a new career of usefulness? They had already done a great deal, and it could not be denied that their proceedings were marked by economy, which seemed impossible while every harbour work was carried on by the Public Works department. Altogether they had vastly improved the port. As to honorable members expressing opinions differing from the recommendations of Sir John Coode, and asserting that it would be better to do this or that, it was an utter farce. He felt it impossible to have common patience with individuals who, with no special engineering skill, professed themselves unable to agree with the views of the Harbour Trust upon points which had been to all intents and purposes practically settled at the cost of many thousands of pounds by one of the first engineering authorities of Europe. Were he a Harbour Trust Commissioner, he would urge his colleagues as strongly as he knew how to waive their objections to the proposed alterations in the
source of their authority and to place themselves in the hands of the House, in which case he was satisfied honorable members all round would join in legislating so as to make their status a thoroughly legal one, and to endow them with the powers they needed to carry out to its fullest extent the task put into their hands.

Sir B. O'LOGHLEN stated that it was very important that honorable members should bear thoroughly in mind the position in which the Melbourne Harbour Trust Act Amendment Bill stood. Looking back through the records of the House, he found that the measure was precisely at the stage it arrived at eighteen months ago, when, several amendments in the previous clause having been adopted on the motion of the honorable member for Warrnambool, progress was reported on clause 5, the one which dealt with the voting qualification for merchants and traders. It was somewhat strange to find the honorable member for East Melbourne (Mr. Zox) surprised that a motion for reporting progress was moved directly the speech at the bar was concluded, because he might have remembered that it was an express understanding, when it was agreed that counsel should be heard, that discussion on the Bill should be held over for another night. Moreover, it was within his (Sir B. O'Loghlen's) knowledge that the municipal bodies outside the Melbourne Corporation who were interested in the Bill, having been refused an opportunity of appearing before the Government on the subject by deputation, were anxious to be heard at the bar of the House, and were about to present a petition praying that the privilege of being represented there might be accorded to them. Under these circumstances, although it would be easy to fix an early night for the discussion of the Bill, what object would be gained by doing so? Practically none, because directly honorable members came to the measure it would be impossible to bring the discussion within the limits of a single night, and it was that belief that prompted him to carry out its fullest extent the task put into their hands.

The CHAIRMAN.—Discussion would of course be resumed at the point at which the committee formerly left off.

Sir B. O'LOGHLEN observed that in that case the amendments in the Bill already agreed to would have to be accepted. (Mr. Kerferd—"The Bill could be reported with amendments and recommitted.") He had no objection at all to the Bill being further discussed by the House, but he was satisfied that such discussion would be useless unless it took place upon the basis of a mutual agreement among the public bodies concerned in the measure. (Mr. Zox—"Had the Government given us a night, their duty in the matter would have been done.") Until some settlement with respect to the future constitution of the trust was arrived at, to discuss the Bill would be to simply waste time. There would, however, be no difficulty in carrying the Bill if the basis for it suggested by the honorable member for Warrnambool was accepted.

Mr. FISHER remarked that he was not at all disposed to offer obstacles to the Bill, but he thought the ardent friends of the measure would have done better had they allowed progress to be reported. In the first place, they could not hope to carry anything against the Government; and, secondly, progress with the Bill was essentially a matter for Government guidance. In fact, the great reason why the Bill had hung fire so long was that the Harbour Trust wanted to dictate to the House as to the basis of their own constitution. Had they been willing to accept the decision of the Assembly in the matter, their Bill would have become law long ago. He cordially agreed with one remark that fell from the honorable member for Boroondara, namely, that the status to be occupied by the trust was a question affecting not Melbourne and certain of its suburbs alone, but the whole community. The management of not only the chief, but almost the only, port of the colony was being so much delayed, there was a good ground he trusted that, when the matter came to be practically dealt with, provision would be made for giving the trust a member or two who would represent the country generally, independently of the representation accorded to the Government. It was impossible not to see that, in the complaints of the honorable members had heard respecting the unfair treatment the Bill had received in being so much delayed, there was a good deal of boating the air, because it could not be forgotten that if there had been little progress recently with Harbour Trust matters, the same might be said with respect to such important measures as the Land Bill, the Mining on Private Property Bill, the Water Conservation Act Amendment Bill, and a variety of others.

Mr. WALSH observed that his experience of the Bill, when it was before the House eighteen months ago, was that it would be impossible to bring the discussion upon it within the limits of a single night, and it was that belief that prompted him to
say on a former occasion that the measure ought to be in the hands of the Government rather than in those of a private member. The honorable member for Emerald Hill (Mr. Nimmo) had done his best in more than one session to press the matter forward, but he had failed; and it was time Ministers stepped in, and assumed the charge of it. In any case, if the Bill was taken up at the precise stage at which it arrived in March, 1881, there ought to be a clear understanding that it would be re-committed, because it was essential that there should be a considerable alteration in the basis of the trust. For example, in all fairness Richmond ought to be represented in it, and, if Richmond, why not Hawthorn and St. Kilda also? He hoped the Government would at once consent to take charge of the Bill. If they did so, there would be every prospect, in the present temper of the House, of carrying it into law in an amended form without much delay.

Sir B. O'LOGHLEN stated that the Government took charge of the Bill during the previous session, and placed it on the notice-paper as a Government measure this session.

Mr. MACGREGOR remarked that, after the able speech which had been delivered at the bar of the House, it appeared necessary to go on with the Bill at once. He had witnessed with great pleasure the improvements which had been effected by the Harbour Trust Commissioners. On the south bank of the river, particularly, they had given such accommodation to vessels as reflected the highest credit upon them as a public body. He hoped the Bill now before the committee would be passed. He had no objections either to validate the past acts of the commissioners, or to empower the trust to raise a million of money, or more if they desired it, for the purpose of carrying on their work of harbour improvement. He, however, was desirous of seeing the constitution of the trust changed. Emerald Hill had the whole frontage of the south bank of the Yarra, from Prince's-bridge as far as Sandridge, and yet that suburb was only represented on the trust by one member, who was elected by the municipal council. He thought that Emerald Hill ought to have two representatives, elected by the ratepayers, as its interests were so much affected by almost everything which the commissioners did. The merchants of Emerald Hill were as much interested in the improvement of the Yarra as the merchants of Melbourne, and many of them were anxious to see the river widened, in order that shipping operations might be carried on with greater facility than at present. Some honorable members had asked why, if certain suburban constituencies were to be represented by two members on the trust, the whole of them should not also be represented? The answer was very obvious. Sandridge, Emerald Hill, Williamstown, and Footscray were directly interested in widening the river and increasing the accommodation for shipping. If the argument that the whole country was interested in the improvement of the harbour had any weight, it might have been urged, with regard to the improvements effected in the harbours of Liverpool and Glasgow, that the whole of the surrounding counties should have had a voice in them. It was contended that if Emerald Hill was represented by two members on the Harbour Trust they would be likely to obstruct the other commissioners in their efforts to discharge their functions, but he asked if the present commissioner representing that constituency had ever done anything of the kind? If there were two members instead of one, they would help the other commissioners, to the full extent of their power, in any beneficial scheme of improvement which might be brought forward. A proposition to widen and deepen the river would meet with their hearty approval. He was convinced that, if the committee could come to an understanding upon the Bill as it now stood, it would pass through all its stages in two or three nights. Each side should be prepared to yield a little in order to get the main principle of the Bill carried. If that was done, the trust would be founded upon a broader basis than ever, and could go on in their work of improving the harbour with renewed vigour, and so accomplish a work which was of such importance to the whole country.

Sir C. MAC MAHON observed that some honorable members were in error in supposing that the Bill was originally introduced as a private measure. He found that, although it was introduced by the honorable member for Emerald Hill (Mr. Nimmo), it was not a private Bill. No fees were ever paid in respect to it. As a matter of fact, it was a public Bill introduced by a private member. It had now been taken up by the Ministry and placed on the notice-paper as a Government order of the day, and he thought the Government ought to set apart a certain period during which it could be discussed on its merits and disposed of. The measure involved large and
important undertakings, and, if the Premier would give an assurance that it would be fairly dealt with one way or another, the committee would be content. In his opinion, the Premier was bound to give honorable members an assurance of that kind.

Mr. LAURENS said that ever since he had held a seat in the Assembly he had been prepared to extend his sympathy and support to any measure which had for its object the conferring of sufficient powers on the Melbourne Harbour Trust Commissioners to enable them to more effectively carry out the objects for which they were appointed. The Premier had told honorable members of the difficulties which the Bill encountered at the present stage; but they were exactly the same difficulties as those which met him (Mr. Laurens) and the honorable member for Emerald Hill (Mr. Nimmo) when in charge of the Bill some two or three years ago. The proposal to alter the constitution of the trust did not emanate from the select committee which was appointed to take evidence on the Bill, but was made by the honorable member for Warrnambool, and agreed to in committee of the whole House; and it was evident that, after that time, the Bill was not acceptable either to the trust or to the Corporation of Melbourne, both of which bodies were directly concerned in the Bill. The City Council were not prepared to forego their privilege of sending a representative to the Trust, and the commissioners themselves were averse to greater representation being given to the suburbs of Sandridge, Williamstown, Emerald Hill, and Footscray. The Premier must have known of this difficulty when he addressed his constituents at Lancefield. At that time the Bill was exactly in the state which it was in at the present moment, and yet he told his audience that thenceforth the Bill was to be made a Government measure. At the present time the Government appeared to be disposed to grapple with the Bill, simply because of the difficulties which had been indicated by the Premier. The same difficulties had to be faced when the Bill was before the House on a former occasion, but surely they must be of a less formidable character to the Government than to private members. The Government ought to attempt to get the Bill passed in a form which would equitably meet the conflicting opinions which were held in regard to it. The Melbourne Harbour Trust was a body which should have sufficient powers given to it to enable it to carry out the great work which it was constituted to perform. He felt convinced that, if an attempt was made to conciliate the various parties who at present held conflicting opinions on the measure, concessions would be granted which would result in the passing of the Bill. It was evident that, unless these various parties gave way to a certain extent, no progress would be made with the measure, and the consequence would be that the past acts of the trust would be left unvalidated, so that they might be called in question at any moment, and that the hands of the commissioners would be so fettered that they would be unable to carry out the purposes for which they were appointed. He thought the Government ought to take the matter seriously in hand during the present session, and not remain under the reproach of neglecting a question of such material importance to the welfare of the colony.

Mr. CARTER said he desired to explain that he had nothing whatever to do with the Corporation of Melbourne in regard to this question. It was therefore quite an error to suppose the contrary, as some honorable members seemed to do. He regarded the subject as one affecting the welfare of the whole colony. He did not care even if the Melbourne City Council had no representatives on the Harbour Trust, so long as the suburbs were properly represented. He would not object to there being representatives on the trust from Hotham, Fitzroy, Prahran, or St. Kilda, but he objected to see power given to Sandridge, Williamstown, and Footscray to overrule all the rest of the metropolitan district.

Mr. NIMMO remarked that there was a great difference between Williamstown, Sandridge, Emerald Hill, and Footscray and the other suburbs. They had a direct interest in the operations of the trust, while the other suburbs had not. They had an extensive river frontage, and Emerald Hill possessed a very large proportion of it. Footscray had a harbour of its own, though, if the nondescript scheme which had been mooted that night was carried out, it would be destroyed in a few years. It was ridiculous to assert, as some honorable members had done, that such suburbs as Richmond and Hotham ought to take part in the work carried on by the trust. It was evident that only those municipalities which had a river frontage should be represented. He was inclined to think that matters had arrived at a stage at which the difficulties at present standing in the way of an amicable settlement could be removed. He was
erroneously asserted that the members of the liberal party were the opponents of the Harbour Trust Bill, and he was glad to see the leader of the Opposition that night disclaim any such motive, and state that he was prepared to pass the Bill almost as it stood. If the question was properly handled it might be settled in a couple of nights, or even in a few hours, and, as it was of paramount importance, it should be dealt with at once.

Mr. BOSISTO considered that Richmond was just as much entitled to have a representative on the Harbour Trust as Emerald Hill, as it was much more affected by the operations of the trust than many honorable members might imagine. If, for instance, the commissioners were to decide that the channel proposed by Sir John Coode should not be carried out, the waters would be dammed back, and Richmond would be subject to worse floods than it had ever suffered up to the present time. Richmond had, therefore, some right to a voice in the matter. At any rate, it appeared inconsistent to give large representation to Sandridge, Williamstown, Footscray, and Emerald Hill, and leave out Richmond and Collingwood, the lower parts of which were deeply interested in anything affecting the condition of the river. The constitution of the trust should be extended so that it would include representatives from those suburbs. (Mr. Nimmo—"I have no objection?") It would liberalize the trust, and if the same view was taken by the honorable members representing Sandridge, Emerald Hill, and such places, he was certain that the Bill would rapidly pass in a form which would give general satisfaction.

Mr. McCOLL observed that, after what had been already said, there should be very little difficulty in arriving at an amicable settlement. The Government seemed to have no will of their own and no power in the House, or they would be able to dispose of the matter in a week. The work of the Harbour Trust was most important to Melbourne and the whole colony, and, if that body were to receive the powers which the Bill would confer, they would be able to accomplish greater results than had up to the present time been possible. He hoped some understanding would be arrived at by which the Bill might be definitely dealt with.

At this stage, progress was reported. The House adjourned at three minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.
Wednesday, October 4, 1882.

Disease in Vines: Compensation to Geelong Vigneronas—

The Speaker took the chair at half-past four o'clock p.m.

DISEASE IN VINES.
GEELONG VIGNERONS.

Mr. LEVIEN brought up a progress report from the select committee appointed, on August 2, re compensation to Geelong vigneronas.

The Clerk-Assistant read the report, which was as follows:

"The select committee appointed to inquire into and report whether, in their opinion, the vignerons in the Geelong district have received the fair compensation allowed by law for the destruction of their vineyards, have the honour to report to your honorable House—

That, in the opinion of your committee, it is expedient that power be given them to inquire into and report upon the cases of vineyards destroyed previous to the Act passed in the year 1880."

On the motion of Mr. LEVIEN, the report was adopted.

DR. EDWARD BARKER.

Mr. LONGMORE.—Mr. Speaker, it will be necessary for me to move the adjournment of the House in order that I may state what I desire to say with reference to what appears in the newspapers as to the decision of the Government in Dr. Barker's case. Honorable members will recollect the circumstances of the case, which are simply that the woman Annie Stentt went, apparently in good health, strength, and bodily vigour, to Dr. Barker, for a certain unlawful purpose, which she mentioned to her friends; and the country was startled by the information that soon afterwards her body was handed over to an undertaker in a state of decomposition.

Mr. WRIXON.—I beg the honorable member's pardon for interrupting him, but I wish to suggest that, if he desires that the matter to which he is referring should be inquired into, it would be more advantageous for him to adopt a different method than moving the adjournment of the House. Nothing can come from the course which he is now taking. There will be no additional light
thrown upon the subject, and the House will know no more about it at the close of the discussion than it does now. If the honorable member wishes further inquiry to be made into the case, there are other ways in which he can more effectually endeavour to obtain an investigation. He can do so either by moving for the appointment of a select committee or by challenging the action which the Government have taken in the case. I would remind the honorable member that by the course he is adopting great injustice may be done to one side or the other, without any possibility of testing the truth of the statements that are made.

The SPEAKER.—I need scarcely point out to the House that motions for adjournment are perfectly worthless—they cannot lead to any practical result—and, as the honorable and learned member for Portland has said, they may do great injustice in some cases. If, however, the honorable member for Ripon and Hampden wishes to move the adjournment of the House for the purpose which he has stated, he has the power to do so; but I think that the suggestion made to him by the honorable and learned member for Portland is a very good one. In my opinion, also, it would be better if the right of moving the adjournment of the House was less frequently availed of by honorable members.

Mr. KERFERD.—No doubt the honorable member for Ripon and Hampden has the right to move the adjournment of the House, but the legitimate object of the privilege of moving the adjournment is to enable any honorable member to bring under the notice of the House some matter of public importance of which no notice could be given. Dr. Barker’s case, however, has been before the House on several occasions, and the Government have come to a decision upon it. If the honorable member desires to have the matter further investigated, he ought, as the honorable and learned member for Portland suggests, to adopt some definite course. He should give notice that he will move for the appointment of a select committee to inquire into the case, or that he will challenge the decision of the Government. Honorable members will then be prepared to discuss the question. No one knew that the honorable member was going to precipitate the House into a discussion on the matter this afternoon, on a motion for adjournment; and I trust that the honorable member will not adopt that course.

Sir B. O’LOGHLEN.—I would also point out to the honorable member for Ripon and Hampden that he and other honorable members have probably not had before them the evidence which has been taken in the matter. The papers are being printed, and, if the honorable member had given notice of his intention to move in the case, a number of copies could have been laid on the table and circulated among honorable members, so that they would have been supplied with information on the subject, and prepared to discuss it.

Mr. PATTERSON.—There are many occasions on which the time of the House is wasted in discussing matters of a very frivolous character, but I do not think that the case to which the honorable member for Ripon and Hampden desires to refer comes within that category. The Government, I understand, have dealt with the case, and have exonerated Dr. Barker, and the honorable member challenges their decision. The honorable member, I think, should put his challenge in such a form that the Government will have to accept the responsibility of their action. There is no necessity to appoint a select committee to inquire into the matter. We know all about it. We have read sufficient about it. The public mind is perfectly clear upon the case. There is no question as to what public opinion is. If, however, the honorable member for Ripon wishes any result to come from his action, he ought to take some such course as that suggested by the honorable member for Portland.

Mr. LONGMORE.—I have a lively sense of the impossibility of getting any motion that is put on the notice-paper discussed. I have had motions on the paper since the commencement of the session, and there has been no opportunity of getting them dealt with. In a case of sudden death, such as Mrs. Stentt’s is supposed to have been, I do not think that I should be put off in the way suggested, and induced to take a course which would land the House in a discussion on the subject at the beginning of next session. If the Government will allow the matter to be dealt with to-morrow night, or next Tuesday night, I am quite willing to postpone bringing it forward until then. There are, however, such circumstances connected with the case that the public will not be satisfied with any hole-and-corner inquiry, or with any number of affidavits. I shall feel bound to move the adjournment of the House now, in order to raise a discussion on the question unless the Government will afford me an opportunity of bringing the matter forward within the next few days.
want to ask the House to look into the matter, and inquire whether honorable members think that life is safe under such circumstances as those connected with Mrs. Stentt's case. If the Government will give me any proper opportunity of doing so, I will be glad to accept it. I do not desire to speak in any hostile spirit towards the Government.

Mr. L. L. SMITH.—What do you want?

Mr. LONGMORE.—To inquire into the circumstances of this woman's death.

Mr. KERFERD.—Ask the Government to fix a time for the discussion of the subject.

Mr. MASON.—Say half-past nine o'clock to-night.

Mr. LONGMORE.—Will the Government give up the time after half-past nine o'clock to-night for the discussion of this matter?

Sir B. O'LOGHLEN.—No.

Mr. LONGMORE.—Then I have no other course but to move the adjournment of the House. I will relate the facts of the case as they have come before the public. The woman, Annie Stentt, stated to a certain of her female acquaintances that she went to Dr. Barker on a former occasion for an unlawful purpose, and that she was going again to him for the same purpose. The next thing heard about her after going to Dr. Barker, so far as the public know, is that her body is in the hands of the undertaker without any coroner's inquest or other inquiry having taken place. The medical men who examined the body could state whether chloroform had been used or not; and the doctors stated that they could not tell how; but I ask honorable members whether they are satisfied that she did not die under the influence of chloroform while she was undergoing an operation, which she went to Dr. Barker for? The almost universal opinion of the doctors was that the woman died under the influence of chloroform while undergoing an operation, and they held to that opinion, notwithstanding all the doctors have said. This impression may do a vast injury to Dr. Barker, and it may be altogether wrong. Dr. Barker may not have the slightest stain on his character with reference to the woman, but the public opinion is what I have just stated; and I can tell the Government that merely getting a few affidavits sworn after the fact will not settle the matter to the satisfaction of the public. The public will not be satisfied with the statements of doctors who were not put on their oaths to state what they considered was the cause of death. Why were they not put on their oaths?

Mr. FISHER.—The doctors must have been on their oaths.

Sir B. O'LOGHLEN.—Doctors are always sworn at inquests.

Mr. LONGMORE.—The doctors in this case did not swear to their opinions, and, besides, they were not asked to give any direct reason why the body should become putrid almost immediately after death, and be unfit to handle. Surely medical men ought to know whether the body of a person who died under chloroform would go into that state or not; and surely the doctors know enough about human beings to give a good and reasonable judgment as to the cause of the death of this woman. They said that chloroform was so volatile that no trace of it could be found in a body five minutes after death. Dr. Barker wishes the public to understand that the woman died from an epileptic fit, but surely the doctors who examined the body could state whether it presented the appearance of that of a person who died from an epileptic fit.

Mr. BOSISTO.—You can smell chloroform in a room two or three hours after it has been used.

Mr. LONGMORE.—I am speaking without any knowledge of the matter myself. I am simply repeating what occurred at the inquest held after the body was exhumed; and, as far as I remember, the doctors stated that they could not tell whether chloroform had been used or not. If they had been called in three or four hours after death, the presence of chloroform might have been detected if it had been used. Dr. Youl, the coroner, who was informed of the death, said there was no need for an inquest to be held, and so Dr. Barker stated. Human life is too sacred a thing to be allowed to disappear in a doctor's surgery without proper inquiry being made into the case, more especially as the woman who had announced to those that she was accustomed to speak to that she had been to the doctor before for an unlawful purpose. I
cannot understand the position taken up by the Government. I do not know what inquiries they have made, but the House has certainly not been furnished with the information which it ought to have about the case. A human being has been pitched into her grave without anybody knowing how she lost her vitality except Dr. Barker, senior, and Dr. Barker, junior. They alone know how the woman died, but the whole public ought to know. Who is Dr. Barker more than any other man? Why should he be sheltered? If he has done wrong, let him take the consequences. If he has been in the habit of doing wrong in the same direction, he has been making money by it; and if he has not done wrong, his character should be cleared at once. The woman Stentt went into his surgery apparently in health and strength, and in fifteen minutes she was dead.

Mr. BOSISTO.—The same thing happened to a woman who went into a synagogue the other day.

Mr. LONGMORE.—I do not say that Mrs. Stentt did not die a natural death. The honorable member to some extent misconceives my views. A man may drop down dead in the street, but the public will get to know the cause of his death either by an inquest being held or otherwise. Many people die suddenly under suspicious circumstances, but the public are made aware of the cause of death, and they are satisfied that no foul play can possibly have taken place. The public, however, are not satisfied that there has not been foul play, and very foul play, with reference to this woman. They are not satisfied that the woman did not go to Dr. Barker's surgery for a certain purpose, and that Dr. Barker did not attempt to perform the operation for the express purpose of making a large sum of money. I repeat that human life ought not to be sacrificed in that way. We have a right to know whether the woman died a natural death or not, and this is one of the reasons why I have, time after time, asked the Government what they intended to do in regard to the case. The Government, however, were never prepared to do anything when I referred to the matter, but, the moment they find the opportunity, everything is settled in the Cabinet, and their decision goes forth to the public. Independent of the other features of the case, it is a slur upon this House that information should be asked for about the case time after time, and that the House should be denied information.

Mr. KERFERD.—Is it not a matter of administration?

Mr. LONGMORE.—As a member of the House, I have time after time asked the Government to give information to the House about the matter, and last night the Chief Secretary told me that he would lay the papers on the table to-night, but, instead of being laid on the table, they have been given to the press. I think we have a right to complain of this. I have now stated the facts of the case connected with Mrs. Stentt's death, so far as the public know them. The woman went to Dr. Barker for a purpose announced by herself to her female acquaintances, and within fifteen minutes afterwards she was dead, and her putrid body was afterwards handed to an undertaker to be pitched into the grave. This is what the public know, but they have a right to know something beyond this, and I don't think they will be satisfied until they do know more. I hope that, at all events, the Government will give every information in their possession with reference to the case, and that, if further inquiry is wanted, they will institute one which will satisfy the public.

Mr. BOSISTO.—Sir, I beg to second the motion for the adjournment of the House, because I think that a little should be said on what I may call the other side of the case. I submit that it is not right that the honorable member for Ripon should assume that certain things were done in Dr. Barker's surgery when there is really no evidence that such things were done or attempted to be done.

Mr. LONGMORE.—I don't assume anything.

Mr. BOSISTO.—I have known many cases in which not only females, but males, have gone into a surgery or a chemist's shop, and have dropped down dead and been carried out corpses. In this case, it is quite possible that the woman may have gone to Dr. Barker's for a certain purpose, and that she may have gone to him in a state of excitement and been seized with a fit and died. I admit that an inquest should have been held before she was buried, and that it was highly wrong for Dr. Barker to take the steps he did after the woman died, instead of requiring an inquest to be held; but I feel bound to say that the evidence given by the medical men who examined the body after it was exhumed shows that everything was intact as far as the unfortunate woman was concerned. There is no evidence that chloroform was administered. Possibly it may have been—I do not say it was not—
but it could not have been administered by one person alone. That is not the usual practice when chloroform is given.

Mr. LONGMORE.—Dr. Barker, jun., was there.

Mr. BOSISTO.—If chloroform had been administered the aroma of it would have remained about the room for two or three hours afterwards, as chloroform is not a light volatile substance like ether, which quickly passes away; yet there was no indication of it felt in the surgery when the body was removed. I make this little statement merely to show that there is another side of the question besides that which the honorable member has set forth. Seeing that we are not in possession of the full evidence, I think that we should withhold our judgment, and not discuss the case in this House in the manner in which it has been discussed by the honorable member for Ripon. If the public and the Government are not satisfied, let some measures be adopted to institute further inquiry; but it is not just to condemn Dr. Barker in the wholesale manner that the honorable member for Ripon has done.

Mr. FISHER.—Sir, the honorable member for Ripon has not directed attention to the real point as far as this House is concerned, which is that Dr. Barker has asked the Government to appoint a board to make a full investigation into the whole case. That is a request which, in my opinion, should have been granted by the Government.

Mr. L. L. SMITH.—A board could not deal with the case.

Mr. FISHER.—Dr. Barker has been accused of something criminal, but he has written to the Government, and stated that he is prepared to come before a board, and have the whole facts thoroughly inquired into. Surely a competent board—a board composed of medical and legal gentlemen—could be appointed to deal with the case, and could come to a decision upon it which would satisfy the public.

Mr. L. L. SMITH.—What could a board do? It could do nothing.

Mr. FISHER.—The members of the board could take evidence, and could at all events form an opinion upon the particular question at issue. In justice to Dr. Barker, the Government ought to have granted his application for a board. If the case is discussed in this House, it should not be as a matter affecting the character of Dr. Barker, either directly or indirectly, but as a matter affecting the Government. I think that the propriety of their action, in refusing to appoint a board when asked to do so by Dr. Barker, may very properly be called in question by the House. That is the point which the honorable member for Ripon should have raised, and it is the only point, I think, which the House is competent to deal with in connexion with the case. It is not competent to deal with what took place in Dr. Barker's surgery or at the inquest. The House has not the witnesses in the matter before it, and, even if it had, it is not a proper judicial body to investigate a case of the kind. I have no intention of bringing forward a motion censuring the Government, but I feel strongly that they ought to have granted a board to investigate the case when Dr. Barker requested them to do so, so that all the facts might be placed before the public. Why did the Government, in the first instance, call upon Dr. Barker to resign certain public appointments which he holds? Surely they had some reason for doing so, but they afterwards went back from that position. Honorable members have nothing before them to show why the Government recalled the letter in which Dr. Barker was required to resign his public appointments. I think it would not be asking too much to request the Government to clear up that matter, as honorable members find a difficulty in referring to a large number of papers which may be laid on the table in reference to any particular case.

Sir B. O'LOGHLEN.—Mr. Speaker, I am of opinion that the House is not sufficiently well informed, nor has it the judicial turn of mind, to qualify it to deal with a case of this kind. This House is the very last arena into which such a case should be brought. The Government declined to appoint a board of inquiry, on the ground that a board was not a proper body to deal with the matter as it now stands.

Mr. KERFERD.—It would be illegal to remit the question to a board.

Sir B. O'LOGHLEN.—It would be very improper, if not illegal. However, it may satisfy certain honorable members who have not, perhaps, thought the matter out to its ultimate consequences, to say that it would have been very wrong on the part of the Government to appoint a board. It was the duty of the Government to take the responsibility of dealing with the matter on their own shoulders, and to decide to the best of their judgment. The judgment of the Government is that, although they regret that evidence which has recently been laid before them was not laid before the coroner, they ought not to take any further action in the
matter. The honorable member for Ripon and Hampden claims that certain information affecting the case was withheld from the House. I think he is under some misapprehension. On the last occasion of his referring to this question, the Chief Secretary asked him to give notice of a motion calling for the production of the papers, and I think he was right in making this request, because on a previous occasion, when he proposed to lay on the table a letter bearing on the case, some honorable members objected. The honorable member for Ripon and Hampden, however, did not take the course indicated by the Chief Secretary, but he has moved the adjournment of the House, which will lead to no result, and which, in my opinion, is a very unadvisable course to take in bringing forward a matter of this kind. I hold in my hand a copy of the additional evidence which has been submitted to the Government in reference to the case. It has found its way in detached portions from time to time in the daily papers, but up to the present it has not been put together in a connected form. Perhaps, if the honorable member for Ripon and Hampden were to read it, he would come to the conclusion that the views which he has put forward cannot be sustained. One of the statements of the honorable member was quite incorrect. He referred to the evidence of the doctor as being merely a *vivò voce* statement. Now both doctors were sworn before the coroner. They deposed that they could give no reason for the death of Mrs. Stentt, and that the statement that a sudden death occurred was the most probable solution of the matter. I don’t know whether the House desires to go into the medical points, unless the House is going to constitute itself a coroner’s jury. The honorable member for Richmond (Mr. Bosisto) referred to the fact that there was no smell of chloroform in Dr. Barker’s surgery immediately after Mrs. Stentt’s death. The statement of Dr. Barker, jun., is to the effect that the chloroform bottle was not in the room where Mrs. Stentt was sitting, and that after the death there was no smell of the drug. Another person in the next room did not say whether the bottle was in that room or not—he was not asked. There are other matters, irrespective of the medical points of the case, which I desire to refer to, and they are to be found in the declarations of Miss Gatenby, Mr. Cherry, and Mrs. Moore. Miss Gatenby states in her declaration that she arrived at Dr. Barker’s at about twelve o’clock in the day; that she was informed that Dr. Barker was out, but that he would return in about half-an-hour; that she waited for him, and that he returned at three or four minutes past half-past twelve o’clock. She says—

“Then attended to me, and when I was leaving the room I again looked at the clock, as I was anxious to call at a friend’s before one o’clock, and I noticed it was about seventeen minutes to one o’clock.”

Mr. Cherry’s evidence is to the effect that he called at Dr. Barker’s on the same day for the purpose of paying an account for professional attendance; that he found the doctor engaged; and that he was shown into one of the rooms of the surgery, which is a very small wooden building. He then says—

“After waiting not more than two minutes there, Dr. Barker’s son (Dr. Alexander Barker) came into the surgery where I was sitting from the adjoining room and took a bottle away, saying, hurriedly, a lady had fainted.”

Dr. Barker, jun., has since sworn that the bottle contained ammonia.

“The doors communicating between the surgery where I was sitting and the adjoining room, where, I believe, Dr. Barker was engaged, were open.”

Mr. Cherry called at Dr. Barker’s between a quarter and ten minutes to one in the afternoon, so that only from two to seven minutes elapsed between Miss Gatenby’s departure and his arrival. The whole time during which Dr. Barker was attending to the patient was a few minutes.

Mr. LONGMORE.—Would those few minutes be a sufficient time in which to put a patient under chloroform? And would a patient under chloroform make any noise?

Sir B. O’LOGHLEN.—The honorable member knows that I am not a medical
man. I am simply giving him the facts; but I ask whether any rational man would conceive and attempt to carry out a criminal offence of the kind suggested in a little wooden surgery while the door communicating with one of the other two rooms, in which sat a male patient, was left open? It is utterly absurd to suppose such a thing. Mrs. Elizabeth Moore, who was for some time the companion and servant of Mrs. Stentt, and who is now a servant in a respectable family in the suburbs, says that Dr. Barker attended Mrs. Stentt in the month of March, 1881, when she had a miscarriage; that afterwards, in April, Mr. and Mrs. Stentt took a hotel; and that Mrs. Stentt then gave way to habits of intemperance, drinking at times as much as a bottle of brandy a day; that she would work herself into passions and go off in fits, which occurred more frequently and with greater violence during the latter portion of the time during which Mrs. Moore knew her; and that Dr. Barker handed her clothes over to her giving way to drinking habits. Further, there is the declaration obtained by the police from Mr. Stentt, in which Dr. Barker's statement as to the manner in which the woman died was given, and it agrees with the declarations, the House will see that, had they given the letter which he sent to Dr. Barker, asking him to resign his appointments. It was the halting way in which the case was laid before the coroner that caused the Chief Secretary to act as he did, but the declarations from which I have quoted show conclusively that there is no proof of criminality against Dr. Barker.

Mr. FISHER.—Ought not the Crown Prosecutor to have been present at the inquest?

Sir B. O'LOGHLEN.—It may be so.

Mr. KERFERD.—The Crown Prosecutor's attendance was not necessary unless asked for by the police.

Sir B. O'LOGHLEN.—In cases of this kind, representations must be made to the Attorney-General before he can take action; but if, in this instance, I may not have been so attentive to the matter as I ought to have been, that is no reason why, at this stage, the Government should act in any other than an impartial and an unbiased manner, and give a verdict according to the evidence. They have given that verdict, and they will stand by it unless additional evidence is brought before them to upset it. If the honorable member for Ripon and Hampden wishes to go through the facts of the case, I would ask him to read the report in the Argus, together with the additional evidence which I have referred to, and then I feel sure he will be satisfied that the Government have taken a proper course.

Mr. WRIXON.—Sir, I do not propose to go into the merits of this case, because I do not think this a proper time or place to do so. But in my opinion the Government are to blame in this respect, that, holding the views which the Attorney-General has just expressed, and in which many honorable members will concur, with regard to the character of the inquest which was held, they neglected to take steps to quash that inquiry and have a fresh one held. I would suggest that course to the Government in any future case, as being fair to the accused person and to the public, whose interests are so deeply concerned. It is highly unsatisfactory for the Government to have to
Dr. Edward Barker. [October 4.] Mrs. Stentt's Death. 1953

stand before the House and say that the coroner's inquiry was a lame and imperfect affair, but that they have certain *ex parte* documents before them upon which they have based their judgment. This is a most unsatisfactory way of arriving at the truth. The persons who made the additional statements referred to by the Premier were not cross-examined, and there were not the usual means of testing their accuracy and reliability. I do not now wish to throw any doubt on the truthfulness of the statements sent to the Government, but I wish to point out that a very improper precedent is being established by the Government calling for papers, talking them over in the Cabinet, and then saying they will not go any further than they have gone.

Mr. PATTERSON.—Mr. Speaker, I do not think that the cause of death has been properly inquired into. It is not for the House to make a charge against any person, but it is bound to watch the interests of the public. It is admitted that the inquiry held by the coroner was an imperfect and improper one, and I think the action which the Chief Secretary, in the first instance, took in reference to Dr. Barker might have been much more fittingly applied to the coroner.

Mr. GRANT.—The coroner is a judicial officer.

Mr. PATTERSON.—But he is appointed by the Government, and the Government can dismiss him like any other officer. The Attorney-General can get rid of him tomorrow if he likes. I believe a Government of which I was a member dismissed this very coroner.

Mr. KERFERD.—You would not dismiss a man because you don't happen to agree with him?

Mr. PATTERSON.—I would dismiss any man who would attempt to hush up a case and to keep back from the public certain evidence which they are entitled to hear. It was by the coroner's neglect that Dr. Barker's evidence and that of other witnesses was not taken at the inquest. If there had been a more complete inquiry, the public mind would have been better satisfied than it is at present. Doctors hold a very high and honorable position; they have duties of a dangerous, delicate, and difficult character to perform, and all matters in which their conduct is brought into question should receive ample investigation before the public officers. The public in this case feel that justice has not been done. Is there no way by which a second inquiry may be held and the public mind satisfied? Some means ought to be taken to do properly what has been done so improperly.

Mr. GRANT.—Sir, I agree with the honorable member for Castlemaine (Mr. Patterson) that the coroner was to blame for not calling upon Dr. Barker to give evidence, and I believe that, if the evidence which the Government have now before them had been adduced at the coroner's inquest, the public mind would not entertain the doubts which now trouble it. I fail to see, however, on what ground we could ask the Supreme Court to quash the inquest.

Mr. WRIXON.—On the ground that the people who knew all the facts were not called.

Mr. GRANT.—That would not be sufficient ground. The application could be made, but there must be good and substantial ground to go upon. We should have to make the application on the basis of an improper verdict being given, and to suggest a charge which no honorable member would be prepared to make.

Mr. FISHER.—The court would not listen to it for a moment.

Mr. GRANT.—No. The Government would have to suggest that a crime had been committed by some one, and I fail to see how, in this case, such a charge could be made. The coroner is a judicial officer, and the Government cannot, in any case which he has dealt with, impugn his decision, and take steps to quash it. If Dr. Barker had been examined, there would have been no need to take further notice of the matter; but, in the absence of his testimony, I felt it to be my duty to call upon him for an explanation. If honorable members will look at all the evidence, they will see that the Government have adopted a proper course, and that nothing further can be done. I regard the proposal to appoint a board of inquiry as one that cannot be entertained.

Mr. LONGMORE.—The question is did Mrs. Stentt lose her life while abortion was being attempted?

Mr. GRANT.—There is no evidence on the point, either one way or another.

Mr. LONGMORE.—There was evidence at the inquest of an injury.

Mr. GRANT.—But there was no evidence pointing to the conclusion that an attempt had been made to procure abortion, and in the absence of such evidence there is nothing to be done but to allow the matter to rest where it stands.

Mr. LAURENS.—Mr. Speaker, I understand that it is the duty of the coroner to hold inquiries into any cases of sudden
death with which he may be made acquainted. Now there is one point in connexion with this case which is beyond dispute, though, in speaking of it, I do not wish to be understood as suggesting any improper conduct on Dr. Barker’s part, as I think it out of place to discuss his action, or want of action, here. The point to which I refer is that, within two or three minutes of the time when this woman entered the surgery in good health, she died. There have been all kinds of surmises as to the manner in which she came by her death, but the suddenness of it is not denied. In fact, I believe that Dr. Barker told Dr. Youl, the coroner, of the suddenness of the death, and yet that officer did not hold an inquest. Does not this revive the question whether the Government ought not to revise the decisions of the coroner? I believe they should have called upon him to explain why an inquest was not held immediately after death. I will not refer further to the coroner now, but I shall be prepared, when the vote for coroners comes before us, to compare his conduct on this particular occasion with what it has been at other times, when there was no doubt as to the cause of death. I do not wish to malign any one, but simply to call attention to the fact that, although Dr. Youl was aware that a sudden death had occurred, he did not think it necessary to hold an inquest.

Mr. OFFICER.—Sir, I think both Dr. Barker and the coroner have only themselves to blame for the publicity which has been given to their conduct in reference to this case. The sudden death of this young and apparently healthy young woman was a most suspicious circumstance, and it was unwise and injudicious of Dr. Barker to defray the funeral expenses and have the body buried, instead of handing it over, in the ordinary way, to the police. It was stated that Mrs. Stent went to Dr. Barker for a certain purpose, and that a short time after her arrival her death took place. Dr. Barker said that she died from epilepsy and varicose veins. It was distinctly proved at the inquest that the surgery was not a proper place for an operation to be performed for her ailment, and we know very well that a person does not die from varicose veins unless they are ruptured. Nothing of the kind occurred in this case, and therefore I say that the action which Dr. Barker thought proper to take was exceedingly suspicious. If he had placed the matter in the hands of the police, an inquest, which would at once have established either his innocence or his guilt, would have been held. As it was, time was allowed to elapse before the inquiry was instituted, and, as decomposition had begun its work, the inquiry was an imperfect one. Under the circumstances, I think it is quite right to let the matter drop. No good can come of our discussing it here, and no good can result if a board of inquiry is appointed.

Mr. DAVIES.—Mr. Speaker, I think the coroner is deserving of censure for his course of action in reference to this case. When sudden deaths occur, and there is no doubt as to the cause, an inquest is always held. Even after a person is hanged, after he has been seen to drop with the rope round his neck by several witnesses, an inquest is held, and the doctor is required to certify as to the cause of death. This is simply to maintain the principle that, no matter what may be the circumstances, a sudden death is deserving of an official inquiry. But in this case, a woman in good health died suddenly, with only one witness—Dr. Barker—present, and we have only his statement to go upon in endeavouring to ascertain the cause of death. There are also other suspicious circumstances surrounding the case, which call for a proper and full inquiry. There are the statements of the woman that she had procured abortion before, and also the evidence of the post-mortem examination, which showed that there was an abrasion such as I understand would have been made by the insertion of a probe. In view of the suspicious circumstances surrounding the death of the woman there ought certainly to be some inquiry, and some one ought to be censured. Either the doctor should be held responsible and be deprived of any office under the Government, or the coroner should be called upon to render some satisfactory explanation of his most extraordinary conduct.

The motion for the adjournment of the House was put and negatived.

EXPLOSIVES.

Mr. W. M. CLARK asked the Minister of Customs if he would take steps to have the practice of carting explosives through the borough of Footscray discontinued?

Mr. GRAVES remarked that, as he had stated on previous occasions when the honorable member had asked the same question, the Customs department had only power to see that persons landing explosives from Hobson’s Bay landed them in accordance
with certain regulations, and those regulations were strictly adhered to. The department had no power to interfere with the borough of Footscray, but, as he had already pointed out, the borough council could itself deal with the cartage of explosives through its streets by taking advantage of the 22nd section of the Gunpowder Statute 1864, which provided that—

"The council of any borough may, by any by-law or by-laws duly made, provide for the control of all gunpowder magazines within such borough. . . . and may regulate in other respects the carriage and keeping of gunpowder within such borough. And upon any such by-law being duly inserted in the Government Gazette the provisions of this Act shall cease to affect or have any operation in such borough excepting so far as relates to the limiting by the Government of the quantity of gunpowder which may be imported into any such borough not being for deposit in some powder magazine as hereinbefore provided."

The Government were prepared to give the borough council every assistance in carrying out that section, but the Customs department had no further power in the matter than he had stated.

TITLES OFFICE.

Mr. LONGMORE asked the Attorney-General if he would cause the Registrar-General to insert in the advertisements of applications for land to be brought under the Real Property Act, the names of the owners of the land? There was a great tendency to jump vacant pieces of land, pay rates for them, and then, on the ground of having occupied them for 15 years, to apply to the Registrar-General for a certificate of title, which was sometimes obtained without the real owner of the property knowing anything whatever of the application. A case of the kind happened within the last few months. The owner of the property resided at Sale, and in consequence of the advertisement of the application, which was made by another person, being published without the name of the last owner appearing in it, the real owner knew nothing whatever about it.

Sir B. O’LOGHLEN remarked that the suggestion of the honorable member appeared to be only a reasonable one, and he would communicate at once with the Registrar-General with the view of carrying it out, should it lie in that officer’s power to insist on advertisements containing the information referred to. If the honorable member also forwarded to him (Sir B. O’Loghlen), in writing, the details of the case he had mentioned, he would bring it under the notice of the Registrar-General, so that other cases might be dealt with in a proper way.

STANDING ORDERS COMMITTEE.

Sir B. O’LOGHLEN brought up the following report from the Standing Orders Committee:

"The select committee of the Legislative Assembly upon standing orders have the honour to report that they have agreed to the following resolution, and recommend that the same be adopted as a joint standing order:

"In any joint standing rules and orders of the Legislative Council and Legislative Assembly, the words 'in writing' or 'written' shall be deemed to mean and include 'either written or printed, or partly written and partly printed.'"

The report was ordered to be printed.

MELBOURNE TRAMWAY AND OMNIBUS COMPANY’S BILL.

The debate (adjourned from September 27) on Mr. Gillies' motion that the report of the select committee on this Bill "be now taken into consideration," and on Mr. Laurens’ amendment to postpone the consideration of the report for a fortnight, was resumed.

Mr. FISHER.—Mr. Speaker, I beg to ask whether you are in a position to give your ruling on the question which I submitted to you last Wednesday, namely, whether the 23rd and 24th clauses of the Bill can be properly included in the measure?

The SPEAKER.—The question will arise when the particular clauses to which the honorable member objects come before the House.

Mr. LAURENS.—In view of the altered circumstances, and the present relations between the Tramway Company and the local bodies, I am prepared, with the leave of the House, to withdraw my amendment.

Mr. CARTER.—Sir, I object to the withdrawal of the amendment. Last week, at my request, the honorable member for Rodney (Mr. Gillies) was good enough to consent to the adjournment of the debate, in order that the local bodies might have time to come to some decision on the new proposals placed before them. Although they have not yet come to that decision, I certainly will not ask the honorable member to postpone the matter any further, but I desire to place before the House and the country the views which I hold with regard to this particular business. As one who has been in this city about 30 years, and who has found his way through Melbourne in thigh boots, as one who has seen drays disappear, in the principal streets up to the bed, and have to be dragged out by a team of bullocks, and as one who has contributed, during those 30 years, his share to the rates which have been expended on making the
roads of the city and suburbs—which have cost more than a million of money—I am firmly of opinion that the persons who in the past have paid those rates should in the future be entitled to receive any tolls, or at all events a percentage of any tolls, which are to be derived from the very expenditure which they have incurred.

Mr. PATTerson.—They should keep the roads in good order.

Mr. CARtEr.—What has that to do with the matter? We have spent, exclusive of the £500,000 borrowed by the Government on which the city paid the interest, £500,000 additional, and that money has come out of the pockets of the ratepayers.

Mr. FINChAm.—Has not that expenditure more than proportionately improved the value of their property?

Mr. CARtEr.—That has nothing to do with the question. If I put my hand in my pocket for 30 years for the purpose of making a street, I do not believe in some company coming, at the end of the 30 years, and taking that street from me and using it for their own individual profit, ignoring the money I have spent altogether. That is the fundamental principle which lies at the root of my objection to a private company obtaining what I call a monopoly of the streets of any city. In the next place, I say that the control of the streets should remain in the hands of the local bodies, who are elected by the ratepayers to control those streets. The streets are actually the property of the ratepayers, who have paid for them. A visitor to Melbourne or Sydney has nothing to do with the streets, and, therefore, the argument of the honorable member for Rodney, that it is the passengers who ought to be considered, seems to me a very bad one. As the streets are the property of the ratepayers, who have paid for them, a visitor to Melbourne or Sydney has nothing to do with the streets, and, therefore, the argument of the honorable member for Rodney, that it is the passengers who ought to be considered, seems to me a very bad one. As the streets are the property of the ratepayers, it follows that if any tolls are to be charged for using those streets, the ratepayers are the people entitled to the money, and this particular company in introducing their Bill did not propose, except in vague terms which would lead to litigation, to give the local bodies any remuneration beyond keeping the portion of the road which the company used in repair. Therefore, it seemed to me that their proposal was not fair. I found that there was a strong feeling in the House and a most singular feeling in the municipal councils in favour of the company. I don't know how it is, but I notice that when the aurora australis appears in the southern sky the terrestrial magnetism is very much disturbed, and when there is a Tramway Bill before this House the municipal bodies are agitated in a most singular manner. I cannot say that the aurora causes the disturbance of the magnetic instruments, neither can I say that the Tramway Company's Bill causes the agitation among the local bodies; I merely mention as a singular coincidence that ever since this Bill has been before the House there has been a most mysterious disturbance in the municipal bodies, and also in the Assembly. As an illustration of the fact, I may mention that only the day before yesterday at the meeting of the City Council, which consists of 28 members, when this question was being considered—a question involving a larger sum of money than the council has ever had to deal with before—only 13 members voted on the proposals put forward by the Melbourne Tramway and Omnibus Company. Seven voted in favour of the proposals, and six voted with me against them, so that an absolute minority of the council voted on the question, and one-fourth of the whole number of members actually carried the consent of the corporation to the proposals of the company by the absurdly small majority of one. Where the other members were of course is not my business, but I know that several members were absent who entertain just as strong an objection to the company's Bill as I do. Why they were absent, I repeat, I don't know. These are mysterious things which I cannot account for. I never attribute motives, and I merely remark upon these curious coincidences as they occur.

Mr. GARDINER.—They are afraid of losing their seats at the next election.

Mr. CARTER.—I do not draw any inferences, but I will say that the question is so important that it is very much to be regretted that the local bodies did not make themselves better acquainted with the provisions of the Bill and the whole subject of tramways before the measure was introduced to the House at all. It must have appeared mysterious to many persons that the local bodies did not bring witnesses to give evidence in opposition to the Bill when it was before the select committee, and it is as well to clear up that matter. The reason why they did not do so is very simple. In the first place, the company met the local councils singly, and obtained their consent to the introduction of the Bill. I wish it to be understood that in anything they have done I do not blame the company at all. As shrewd business men going in for a good speculation, I do not blame them for going the right way to work to make
the speculation as successful as possible. I only wish to show how it came about that the council appeared to be so blind to their own interests. As Mr. Purves forcibly put it to the select committee, the fact is that "the shepherds slaughtered the sheep." If the local councils had attended to the matter thoroughly, made themselves fully acquainted with the subject, and gone into the question with the intention of doing the best they could for the public, I think the result would have been very different from what it has been so far. The difficulty which prevented the local bodies from calling evidence in opposition to the Bill was that, having consented to the introduction of the measure, they were immediately blocked from opposing the preamble. At the initiatory stage, when they wanted to be heard in opposition to the Bill, they found, what they did not know before, that they were precluded from being so heard by having consented to the introduction of the Bill. Consequently I had to present a petition to the House praying that the local bodies might be heard not in opposition to the Bill, but simply in relation to its clauses. The ridiculous position in which the local bodies thus found themselves was that, when the Bill came before the select committee, the promoters had it all their own way, and counsel for the local bodies found that they had no locus standi. That is the explanation of the whole mystery. I would, however, call the attention of the House to the fact that the consent to which I have alluded was, to a great extent, obtained by a statement which appeared in the advertisement of the company which was published as far back as the 17th January last. The advertisement stated that the proposed tramways could not be made until "the local authorities of any such district shall have arranged terms to their satisfaction," the "their" being printed in capital letters. According to that statement, therefore, the local bodies were the principal parties to be satisfied, but I think that any one reading the Bill will find that there is very little satisfaction for the local bodies in it. It is all the other way. I do not, however, wish at present to go into the Bill, but merely to point out that the consent of the local bodies was obtained through a misapprehension on their part in several instances; that the representation on which it was obtained—that it was merely a matter of form, and that the local bodies would be still just in the same position as they were before—was not a fact; and that the statement in the advertisement that nothing could be done until the local bodies were satisfied was also incorrect. I admit that the ridiculous position in which the local bodies found themselves before the select committee was, to a great extent, due to their own carelessness, but it must also be remembered that the company, being fortified with the best legal advice and knowing exactly what their object was, had of course a great advantage. I do not wish to say anything at this stage of the action of the select committee, but I certainly intend to say something about it at another opportunity. I do not know whether it would be in order to describe the conduct of some members of the committee as indecent, but I will say at all events that in my opinion they had not a vestige of the historical fig-leaf to cover the nakedness of their partiality. They went in bald-headed for the company. ("Name.") I would rather see them in the House when I named them, and I do not see any of the members I allude to present. I at once say that I do not allude to the chairman of the committee, the honorable member for Rodney, because I look upon him as simply the agent of the company. He was there to engineer the Bill through, and he did so in the able way in which he does everything. I do not blame that honorable member in any way. In fact, I may mention that on one occasion he actually carried by his casting vote a decision against the company on a very important question. Previous speakers have alluded to the honorable member's ability, and I have often heard it said that he was a great loss to the bar. After hearing him speak the other night, however, in proposing the present motion, I must say that it is very fortunate that he is not at the bar, for, if he had been a barrister, I fear that there are a large number of innocent people who would have been found guilty, and a large number of guilty people who would have been acquitted. I think that any one who read the evidence given before the select committee, and then heard the honorable member's speech the other night, could only come to one conclusion—namely, that he made a splendid case out of a very bad one. Although I feel very strongly that the ratepayers of any city or town ought to own their streets and be benefited by them, I am equally strongly convinced that tramways are a necessity, and that it would be very advantageous if they were introduced under a proper system. I therefore suggested to some friends of the company, as a possible solution of the difficulty, that the local bodies, as their financial credit is greater
than any that a limited liability company can possibly have, might obtain more and cheaper money than the company, and that possibly some arrangement might be made by which the saving that would accrue through the financial operations being conducted by the local bodies might be given to the latter, and capitalized so that the tramways at the end of 23 years would have been paid for. The company did not see their way to adopt that suggestion, but they offered to give the local bodies £4 per cent. for the first ten years on the amount the local bodies might borrow, 2 per cent. for the next ten years, and 3 per cent. for the next ten years, the company to have a lease for 30 years. It was estimated that in the course of 30 years these percentages would pay for the original cost of construction and leave about £50,000 to the good. This proposal, as I have already stated, was accepted as satisfactory on Monday last at a meeting of the City Council by the vote of one-fourth the total number of the council. But if honorable members will look into the proposal, they will see that the amount which the company would actually save by the local bodies financing for it would, at a very low calculation, be £2 12s. 6d. per cent. per annum, while the average percentage they would pay to the local bodies would be only £1 19s. 7d. per annum. I think the House, therefore, will hesitate before it agrees to such a settlement of the question. I, at all events, consider that, rather than accept it, it would be preferable to let the company's Bill pass as it was introduced so far as the terms of purchase are concerned. The company stated that they would require about £600,000 to carry out their undertaking, namely, £400,000 for construction and £200,000 for rolling-stock. But any business man will know that a limited liability company, any shareholder in which may sell out to-morrow, could not possibly borrow in any place in the world more than £200,000—only half the cost of the permanent way alone. It will also be admitted that the whole of the metropolitan municipalities, on their joint guarantee, could borrow money for at least £2 ½ per cent. less than any limited company. In the one case the lenders would have the city of Melbourne and the surrounding municipalities as a guarantee for the payment of principal and interest, while in the other they would only have what they could get out of the company and their effects. Now, if the company employ a capital of £600,000, borrowing £200,000—say, for the sake of my argument, as cheaply as the local bodies could obtain it, namely, at £36 9s. per cent.—then they would be able to pay on the subscribed capital of £400,000 a dividend of 6½ per cent., assuming them to earn 6 per cent. on the £600,000, or £56,000. But if the company, through the local bodies, borrow £400,000 instead of £200,000 at 4½ per cent., they would be able to pay a dividend of 9 per cent. on the £200,000, of subscribed capital. This would represent a difference of £2 5s. per cent.; and if we take half the difference—£1 would not be fair to take the whole of the difference, as it is applicable only to one-half the amount—as applicable to the whole sum of £400,000, it would represent a saving of £1 2s. 6d., which the company would make on their capital by the local bodies borrowing for them. Next, if we add the £1 10s. per cent. at which the local bodies could borrow money cheaper than the company, the result would represent a net gain to the company of £2 12s. 6d. per cent. by the local bodies financing for them. That saving compounded half-yearly at 4 per cent. per annum would amount to £100 16s. 6d. in about 23½ years. Consequently, if the company had a lease for 23½ years instead of 30 years, they would actually, at the end of that period, have saved, by the local bodies financing for them, sufficient money to pay for the whole cost of constructing the tramways. Therefore, I am at a loss to know why the company should demand a lease for 30 years, and certainly why they should get it. I admit that at the first start there would be a certain interval of time during which the affair would be to a certain extent in embryo, and during that period it would be only fair to let the company off easily; but for them to talk about paying £1 ½ per cent. when they will save that in the price of money alone seems absurd. There are various points in regard to which, when we come to deal with the Bill, I intend to propose amendments. For instance, some provision ought to be made for a reduction of fares. Surely we are not going to fasten on the necks of the people a permanent fare of 3d. for 30 years or 21 years. The only escape I see possible in that respect would be to insert a provision in the Bill by which, at the end of every seven years, if the lease was for 21 years, and at the end of every ten years if the lease was for 30 years, the local bodies would be enabled to buy out the company at a certain price; because I feel satisfied that, in whatever form the Bill passes, before the first seven years have expired the public will be crying out against this company just as

Mr. Carter.
they cry out against the Metropolitan Gas Company. When I raised my voice against that company’s Bill, few honorable members would support me to the smallest extent, but within a very short period after it became law, I found not only members of the House, but the whole public with me. All are now of opinion that a great mistake was committed, because the purchasing price fixed by the Act is so enormous that the local bodies are not able to buy the company’s undertaking.

In the present case I think, from the result of past experience, that it would be well to fix a reasonable price for the purchase of the Tramway Company’s property—say an advance of 30 per cent. on whatever the company may have spent for the first seven, or first ten years, according as the lease is for 21 years or 30 years, an advance of 20 per cent. after the next seven or ten years, and an advance of 10 per cent. for the last period, as the property of course would become less valuable as the tenure of the company drew to a close.

In conclusion, I may say that I am obliged to the honorable member for Rodney for consenting to the adjournment of the debate last week. I shall not ask for the postponement of the matter any longer, and I shall not attempt to prevent him from carrying the measure by means of “stone-walling,” or anything of that sort. I will now leave the matter altogether to the House, having placed my views before the local bodies and the public, and if the House thinks fit to pass the Bill, either in one shape or another, the result will be quite immaterial to me personally. As to the personal threats which have been made against myself, and, I believe, some other honorable members, with regard to the consequences which will follow from any opposition to the Bill, as far as I am concerned, they are like water poured on a duck’s back. I do not feel any malice with respect to them, I treat them simply with contempt.

Mr. GARDINER.—Mr. Speaker, it is not my intention to offer any further opposition to the passing of this Bill, but I desire to mention a few amendments I would like to see made in it. I admit that it has been a good deal amended already, and I think that on that account the public ought to be very grateful to the honorable members who have opposed the measure so far. Indeed, I hold that their conduct ought never to be forgotten, because it has obtained so much for the public benefit. I would like to see an amendment of the clause which gives the Tramway Company a lease of the lines for 21 years; also an alteration with respect to the streets through which the tramway traffic is to be carried; and, lastly, a reduction in the amount of the fares the company will charge. Further, I wish to know whether the tramcars are to be run with one or two horses. With respect to what the company are to do for the maintenance of the roadway of the streets their tramcars will run through, it is my opinion that, considering how much the ratepayers of the different municipalities have expended in constructing those roadways, it would not be too much to ask the company to keep the whole of them in repair. I would also suggest that the Government should construct the tramways, because they could then take care to prevent competition with the State railways. I will bring forward the amendments I have alluded to at the proper stage, and in the meantime I think I have done my fair share in connexion with the Bill.

Mr. Laurens’ amendment was put and negatived.

Sir B. O’LOGHLEN.—Sir, I beg to move, as an amendment, that the Bill be recommitted to a committee of the whole House. Perhaps honorable members will recollect that, when this measure was before them on its second reading, they were perfectly unaware of the shape in which they would be subsequently asked to pass it into law. They were, in fact, told that the Bill then on the table was not that which they would eventually have to deal with, but that another measure which had been agreed to outside the Chamber was the one they would be asked to actually carry. That state of things was accepted by a large majority, and the Bill, such as it was, was read a second time, and sent to a select committee, consisting of honorable members of high character indeed, but altogether favorable to the views of its promoters. Well, the select committee considerably amended the measure, and we have their amendments before us, but up to the present time honorable members have never had an opportunity of discussing the provisions of which the measure is composed. No doubt great improvements have been engrafted upon it, but, when I stated some weeks ago that there were still many objectionable points in it, what was I told? That there would be an opportunity to discuss and amend every clause of the Bill when it was before the full House. I desire, however, to point out that discussing a Bill in the House is a different thing from discussing it in committee, because, in the former case, an honorable member can, at the utmost, only speak once on each clause, whereas, in
Mr. ORKNEY.—Why anticipate?

Sir B. O'LOGHLEN.—The point is that we are again asked to agree to a Bill that is not before us.

Mr. ORKNEY.—The Premier is simply going upon newspaper reports of something taking place outside the House.

Sir B. O'LOGHLEN.—But, if those newspaper reports are founded on letters written by the secretary of the Tramway Company, I think I may go upon them to some extent.

Mr. ORKNEY.—Are they before the House?

Sir B. O'LOGHLEN.—The honorable member touches on the strongest point of the argument I am raising. I object to the legislation of this House being carried on elsewhere. Why are we going pro forma through a measure the details of which are under settlement outside? The Bill now being prepared by the local bodies and the Tramway Company may be a much better one than that on the table—from what I have heard, I believe it will be a much better one—but why should we be called upon to deal with what we know well will soon be replaced by something else? In contending that the House ought to consider each clause of this Bill in committee, I ask honorable members to look at what I regard as its material defects. In the first place, I will point out that although, in the arrangements with respect to the measure, the interests of the Tramway Company, and also those of the municipalities, are being very carefully looked after, those of the general public—the public represented by the Government—are being utterly ignored, and laid on one side. There is not a single provision in the Bill for protecting the public interests in relation to public property. In the second place, I come to a very serious matter. It is proposed in the Bill that a Tramway Board shall exercise in this colony the functions that belong in England to the Board of Trade. Now I have looked into the constitution of the Board of Trade, and what did I find? That its president is always a leading member of the Administration, and generally one of the Cabinet; that a Member of Parliament is always associated with him as its secretary, and that among its members are the Lord Chancellor, the Speaker of the House of Commons, the principal Secretaries of State, and three or four high officials and members of the Privy Council. In fact, the Board of Trade is practically a committee of the Privy Council, whose functions are to deal with, among other things, railways, tramways, and all other modes of locomotion. And it is proposed that all the powers of this great and responsible body shall, so far as this colony is concerned, be conferred on a board consisting of one nominee of the Government, two nominees of the Tramway Company, and a number of municipal nominees—one from each of the local bodies concerned. In a word, the parties interested in the tramways, and whom, therefore, the public want to control, are to be the controllers. Instead of a high body looking after the general welfare and making regulations affecting the Tramway Company on the one hand, and the municipalities on the other, we shall have a body consisting almost entirely of nominees of the parties directly concerned in the business the Tramway Board is to supervise. The Bill we read a second time enacted that the Government should have two nominees on the Tramway Board, whereas the measure now before us provides for only one. The next defect I call attention to is that all the powers set forth in the English Tramway Act, in relation to the making of tramway by-laws and regulations, will be handed over to the Tramway Company, and that, in consequence, we shall have a totally irresponsible body endowed with semi-legislative authority, that is to say, authority to make laws for the breach of which persons may be heavily fined or sent to prison.

Mr. MUNRO.—The penalties can only be inflicted by a bench of magistrates.

Sir B. O'LOGHLEN.—The honorable member knows enough of law to be aware that the magistrates will have to be guided by the regulations, which they will be bound to regard as portions of the law of the land. For my part, I thoroughly object to the Tramway Company having such extensive powers to make by-laws. In England similar powers are conferred upon only the local...
bodies, which are elective, and the members of which, if they make by-laws of an offensive or injudicious character, the public can very soon call to account.

Mr. MUNRO.—The Hobson's Bay Railway Company had similar powers.

Sir B. O'LOGHLEN.—The Hobson’s Bay Company had the same powers as those of ordinary railway companies, and their by-laws were only applicable within their own boundaries, but, under the Bill, those of the Tramway Company will have the force of law over all the streets of the metropolis. Yet we are called upon to rush the Bill through in full House, honorable members having probably scarcely time to read the marginal notes of the several clauses. I, however, ask honorable members—I am sure, if there is a general desire to pass the Bill, they will save time by conceding the point—to deal with the measure in the ordinary way, that is to say, clause by clause, in committee of the whole House.

Mr. MUNRO.—Will Government time be allowed for the purpose?

Sir B. O'LOGHLEN.—In putting that question, the honorable member practically admits that the Bill ought to be considered in the way I propose.

Mr. MUNRO.—I don't say it ought not.

Sir B. O'LOGHLEN.—I assert that the Bill is so far of a public nature that it involves important public interests, and that, by not considering it fairly in committee, those interests may be greatly injured by wrong principles being established without the House knowing anything about the matter. Nominally, the measure is a private one, but what private Bill ever before attempted to create a body equal in this colony to the Board of Trade in England?

Mr. ORKNEY.—Why not create a Board of Trade here?

Sir B. O'LOGHLEN.—The honorable member knows that many things are desirable which cannot be achieved. To establish a body here analogous to the Board of Trade would be, practically, to establish a new governing institution, and in the way of doing anything of the kind there are almost insuperable difficulties. For example, almost every Government has desired to form a Metropolitan Board of Works to take charge of metropolitan sewerage, but, because of the obstacles to accomplishing such a thing, that subject has had, like many others, to lie over year after year. Then look at the large powers that are to be given to the municipalities. As the Bill stands, it will enable them in the future to become the proprietors of tramways, while, according to the proposal now being considered out-of-doors, the work of making tramways is only to devolve on the Tramway Company if the local bodies decline to undertake it.

Mr. LAURENS.—That is not quite the case. The proposed arrangement is of a twofold character.

Mr. CARTER.—Not at all.

Sir B. O'LOGHLEN.—The difference of opinion just displayed goes to show still further the necessity that exists for having the Bill thoroughly thrashed out in committee. Be it remembered that I am not raising opposition to tramways.

Mr. KERFERD.—None of the friends of the Bill share that sentiment.

Sir B. O'LOGHLEN.—There is a great distinction between being friendly to the Bill and friendly to tramways.

Mr. KERFERD.—The Premier is taking a course that has never been adopted in this House before.

Sir B. O'LOGHLEN.—The honorable member may be perfectly correct, but I venture to say that the House has never before had such a Bill as this to consider. I cannot remember any previous Bill of the peculiar nature of this Bill—one creating so large a monopoly.

Mr. FINCHAM.—The Metropolitan Gas Company's Bill was very similar.

Sir B. O'LOGHLEN.—Surely the honorable member's instance is a rather unfortunate one for the friends of the Bill. Were he a resident of Melbourne or one of its suburbs, I think the amount of his monthly gas bills would soon waken him to a sense of the monopoly established under the Metropolitan Gas Company's Act. I am not now implying that a monopoly is necessarily injurious, because no doubt it would not do for the metropolis to be given over to a number of tramway companies. In fact, I am not now pressing the view that the Bill, as it stands, will establish a monopoly. What I am directing attention to is the important nature of the measure, and the necessity there is for dealing with it in the light of its importance, and for bestowing upon it the attention and careful consideration it ought to receive. Besides, it involves large public questions—questions of serious moment from a Government point of view. Of course, I allude to the Government as representing the public.

Mr. FINCHAM.—Why not make the Bill a Government measure?

Sir B. O'LOGHLEN.—If the Bill provided that the Government should make the
Mr. KERFERD.—Mr. Speaker, the Premier appears to me to be following a most unusual, and I may almost say unfair, course. No doubt the opponents of the Bill will applaud the stand the honorable gentleman has taken, but, as one who is neither opposed to nor yet a supporter of the Bill, but who has a great interest in maintaining the usages and practices of Parliament, I look at his proposal and the arguments by which he supported it in a very different light. As for the objection the honorable gentleman raised, and repeated over and over again, namely, that a compact has been made outside the House between certain parties and the promoters of the Bill, what does it amount to? Such a compact is a most ordinary and usual proceeding with respect to a private measure. The opponents of a private Bill petition to be heard by counsel before the select committee to which the Bill is referred. Their petition is granted, counsel are heard, and then, in the face of the committee, terms are made—a bargain is struck—between the promoters and the opponents of the measure. The principal question with which the House is concerned in regard to the present Bill is whether or not it is desirable to construct tramways in Melbourne and the suburbs. The House has affirmed that the construction of tramways will be a great public convenience, and the select committee to which the Bill was referred have reported that the preamble has been proved. What then has the House to do with the arrangements which may be come to between the municipal councils and the promoters of the measure? The municipal councils are the bodies actually concerned, and so long as they are satisfied the House need not trouble itself to any great extent in regard to the details of the Bill, provided that the public interests are conserved, and that no vested rights are improperly interfered with. If the Bill involves a great question of public policy, as the Premier says it does, why does he not, as the head of the Government and the leader of the House, come down to the House and say upon what terms he will recommend that the Bill shall be allowed to pass? If the measure does not contain the clauses which he believes it ought to contain, why does he not submit the clauses which he thinks ought to be inserted?

Sir B. O'LOGHLEN.—That can be done in committee.

Mr. KERFERD.—But the Premier has not given the slightest indication as to what provisions he thinks should be put in the Bill. The honorable gentleman says that the dignity of the House—which, by the way, has had to stand a great deal now and again—is affronted by some compact which has been made outside with the promoters of the Bill. If the matter of dignity is to be considered, I would like to know how the dignity of the select committee is affected by the Premier's proposal? The committee have carefully considered the Bill clause by clause, they have examined witnesses and heard counsel, and yet—though the Premier himself admits that they have improved the Bill—they are told that all their labour is to count for nothing, and that the measure must be recommitted to a committee of the whole House. This is most unfair and most unusual. The standing orders provide that a private Bill shall be remitted to a select committee, before whom the parties affected by the Bill have the opportunity of being heard. The matters in dispute are fought out not on the floor of this House but in the committee-room. All this has been done in connexion with the Melbourne Tramway and Omnibus Company's Bill, and yet the
Premier proposes that the measure shall be recommitted to a committee of the whole House, without giving us the slightest hint as to the amendments which he intends to submit. If the Bill is referred to a committee of the whole, the Premier will be as powerless to guide and shape the measure as the mace on the table. It will be in the power of two or three honorable members to control the Bill according to their own sweet will. The course proposed by the Premier is trifling with the public interests. The honorable gentleman ought to have had any amendments which he desires, on behalf of the Government, to insert in the Bill printed and circulated, so that honorable members would have had an opportunity of considering them, and dealing with them on their merits. I could not possibly under any circumstances take such a course as the Premier has thought it his duty to adopt in regard to this Bill. During my long experience in the House, a discussion of this kind, as far as I recollect, was never before initiated at the present stage of a measure.

Mr. MUNRO.—Especially by the Premier.

Mr. KERFERD.—I think that nobody but the present Premier could have invented a proposal of the kind. I do not desire to see the Bill passed in its present form. I think that it should be amended, but it should be amended without submitting the measure to the ordeal of a committee of the whole House after it has been dealt with by a select committee. If the Government want time to consider what amendments should be made in the Bill, the debate can be adjourned in order to enable them to frame their amendments and have them printed and circulated amongst honorable members.

Sir B. O'LOGHLEN.—How can we tell what amendments are needed until we know what the Bill really is?

Mr. KERFERD.—The honorable gentleman knows what he is going to consent to.

Sir B. O'LOGHLEN.—We don't know what the promoters propose.

Mr. KERFERD.—The Bill has been amended by the select committee, and we are bound to take the recommendations of the select committee into consideration. What do the Government propose?

Dr. MADDEN.—The proposal of the Government is to strike out all the words after “That,” with the view to insert “stone-walling.”

Mr. KERFERD.—I think the honorable member for Sandridge has really summed up the situation very happily.

Sir B. O'LOGHLEN.—The honorable member labours under a great misapprehension. If he thinks the Government want to “stone-wall” the Bill, they have not the slightest intention of “stone-wall ing” it. If they knew what the measure really was, they would be quite ready to submit such amendments as they considered necessary.

Mr. KERFERD.—The Premier says he does not know what the measure is, but he is bound, according to parliamentary procedure, to accept the Bill as it has come from the select committee as the measure with which the House has to deal. I would suggest that if the Government desire time to consider what amendments to propose the debate should now be adjourned, and that, before it is resumed next Wednesday, the amendments which they intend to submit should be printed and circulated, so that honorable members may be fully seised of the views of the Government, and be prepared either to support or oppose them. That is a business-like course to adopt, but to recommit the Bill to a committee of the whole House will simply have the effect of postponing the passing of the measure altogether. If the House intends to take that course, it ought to do so now, and put the promoters out of their misery at once. I ask the Government either to declare that, in their opinion, the Bill is wrong in principle, and therefore one that ought not to be passed, or to submit the terms and conditions upon which they think it should be passed.

Mr. MACGREGOR.—Sir, I think that the course proposed by the Premier is the proper one to take, and I shall therefore vote for it. If the Bill is to be passed it ought to be made as a good a measure as possible, and the way to accomplish that object is to refer the measure to a committee of the whole House. Already much good has resulted from delay, and there appears to be a prospect of the Tramway Company eventually coming to an agreement with the municipal councils. In the first instance, I was opposed to the Bill altogether, but I now take a somewhat different view of the question, as also do a great many persons in the district which I represent. One of the best schemes which could be adopted for the introduction of tramways in Melbourne and the suburbs, I believe, be for the municipal councils to borrow the money—I suppose they could borrow it at 4 per cent. in the London market—and construct the tramways and lease.

Melbourne Tramway and Omnibus Company's Bill. 1963

Sir B. KERFERD.—I think the honorable member for Sandridge has really summed up the situation very happily.
them to the company. Provision should also be made for a sinking fund and for a certain percentage of the profits derived from the tramways being paid to the local bodies. It is only fair that the company should give the municipalities a fair equivalent for the use of the roads, which have been made at great cost. If provisions of the character I have indicated are introduced into the Bill, I see nothing to hinder the passage of the measure.

Mr. BERRY.—Mr. Speaker, I think that the difficulty in which the House now finds itself in regard to this Bill is very largely owing to what took place on the second reading, and when the proposal for referring the measure to a select committee was discussed. It was urged with great force, and apparently by a majority of those who spoke on the subject, that a select committee should be appointed to consider the general question of tramways—whether it was desirable they should be introduced, and, if so, by whom they should be constructed. In order to make the committee a representative one, it was suggested that it should consist of a larger number of members than usually compose a select committee on a private Bill. The honorable member in charge of the measure very astutely took advantage of the two proposals. He seemed to accept both of them, whereas he only accepted one. He accepted the proposal for a larger committee than is usually appointed on a private Bill without any intention of allowing the general question of tramways to be considered by the committee, and consequently there has been a misapprehension.

Mr. GILLIES.—There has been no misapprehension.

Mr. BERRY.—I admit that the House has committed itself to a certain extent by reading the Bill a second time. Even the Premier will find a difficulty in hedging out of the fact of the second reading. Although the select committee was enlarged, it was entirely composed of honorable members favorable to the Bill.

Mr. MUNRO.—Oh, no.

Mr. BERRY.—I believe there was no minority on the committee in favour of inquiring into the general question of tramways. The House, however, in appointing the committee, did not wish to commit itself to the promoters of the Bill. I admit that the House should not have read the Bill a second time; it should have deferred the second reading, and appointed a committee to make an inquiry the expense and trouble of which would have fallen on the country and not upon private individuals. The House is not now in the position it was previous to the Bill being read a second time, but any arrangements which have been come to before the select committee are merely between the promoters of the Bill and the municipal corporations of Melbourne and the suburbs. The Government have been ignored altogether, so that we still have the question of public policy not settled.

Mr. KERFERD.—It ought to have been settled when the Bill was read a second time.

Mr. BERRY.—It was settled by a side-wind then. The second reading appeared to settle it, but in the opinion of a large number of honorable members the second reading was not a settlement of the question. Before the select committee, the local bodies wanted to obtain as much as they could, and the promoters of the Bill wanted to give them as little as possible. I have no direct interest in either party, but, from a public point of view, I would be inclined to side with the promoters of the Bill rather than with the local bodies, because, if the Government are not going to construct tramways, I think that the next best thing is that they shall be constructed by a private company, provided that due precautions are taken that the fares for the conveyance of passengers shall be as low as possible. The Legislature has abolished tolls on the public roads of the colony, but, if the Bill be passed as amended by the select committee, the municipal corporations of Melbourne and the suburbs will levy upon the tramway traffic a toll larger than any road tolls ever imposed by them.

An Honorable Member.—No.

Mr. BERRY.—Every advantage gained by the local bodies is a toll. Every shilling the company have to pay is an injury to the riding public, and the riding public have not been considered at all. The committee ought to have been free to consider the question from this public point of view: namely, that the Government have constructed, and are constructing, a number of suburban railways with which tramways, if they are owned by any other body than the Government, will largely compete. This session a very considerable amount of money has been authorized to be expended in the construction of new suburban railways; and, the Government having the railways, I think it is desirable that they should also carry out the less costly and more profitable work of constructing street tramways, and have the whole of the suburban traffic in their hands.
so that the tramways may help to pay for the heavy outlay on the railways. By taking that course the taxpayer would be protected—the profits from the tramways would go into the public exchequer, and the travelling public would be accommodated by having the fares as low as possible. The whole thing so far has been travelling in a wrong direction. The Government were not even represented before the select committee at all. The interests which are always sacrificed in a matter of this kind are the interests which this House is elected expressly to take care of and to protect. The local bodies, who are always anxious to protect the pockets of the ratepayers, were duly represented before the committee, but the Government were not.

Mr. GILLIES.—They were represented on the committee by the Minister of Public Works.

Mr. BERRY.—The view which I take of the tramway question is one which affects the interests of the public generally, but it was not urged before the committee in the way that it ought to have been. It is really too much to expect that the evidence taken before the select committee can be mastered at once, and the report be adopted to-night. The debate ought to be adjourned. I think that the House should now consider whether it would not be better to adopt the original proposals of the promoters, with certain limitations to secure a reduction of the proposed maximum passenger fare. The Bill proposes that the maximum fare shall be 3d., but in Sydney, I believe, the maximum tramway fare is 2d., and I do not see why it should be higher here than in the neighbouring colony. I desire to deal with the measure from a public point of view. I would like to see the Bill carried now that it has gone so far; certainly, I would rather assist to pass it than to obstruct it. I don't see why the local bodies have any right to make a profit out of the tramways. The roads were not given to them to make a profit out of them. I repeat that if the Bill is passed as amended by the select committee the local bodies will be erecting a toll heavier than any toll ever erected in any part of the colony before. Therefore, if the promoters are willing to bring back the Bill to something like the form in which it was originally, with a limitation of the maximum rate for passengers—if they will get rid of the tolls and charges which the local bodies are subjecting them to by the amendments recommended in the select committee's report, and reduce the maximum fare for the travelling public—I will be inclined to support the measure. This, at all events, is what I would ask for much rather than the amendments made by the committee at the instance of the local bodies. I think it would be the next best thing to the Government having the whole control of the tramways, which I would like to see them have. In my opinion, either the suburban railways should be placed, under certain conditions, in the hands of a company, with power to the company to construct tramways in connexion with them, or the Government should construct tramways and obtain the profits of them. There is, however, very little chance of getting either of these suggestions carried under the conditions in which the House now finds itself, and the next best thing is for the House, as representing the whole travelling and taxpaying public, to secure the best terms it possibly can in regard to passenger fares.

Mr. CARTER.—Sir, it is quite clear that the honorable member for Geelong (Mr. Berry) has not read the Bill nor the report of the select committee. The honorable member has spoken about the charges that are to be imposed on the Tramway Company by the municipal bodies, but as a matter of fact the Bill, as amended by the select committee, does not provide for a charge of a single sixpence being made by the local bodies. All that the local bodies can expect and hope for is that at the end of 21 years they will have the privilege of buying the company's old worn-out rails at their then value. All the evidence goes to show that the rails will not last longer than that period. The honorable member says he wishes to protect the public who have paid for the railways, but have not the public also paid for the streets? One would imagine, from the way in which the honorable member speaks, that the members of the municipal councils were seeking to put money into their own pockets. The honorable member is quite right in saying that the roads and streets were not given to the local bodies, because the local bodies paid for them; and if any one has a right to levy tolls from those streets surely those who paid for them. It is as refreshing as quail on toast to have the honorable member for the Ovens (Mr. Kerford) on the hip for once. The honorable member said that the proposal of the Premier, to refer the report of the select committee on the Bill to a committee of the whole House, was quite unprecedented, but I will remind the honorable member of what
took place in October, 1876, when a motion was proposed for considering the report of the select committee on the Collingwood Gas Company's Bill. An amendment was moved to refer the Bill to a committee of the whole House, and Mr. Service, for whom no one has a greater respect than the honorable member for the Ovens, said—

"He thought it due to the Collingwood Gas Company, as well as to the select committee, that the Bill should be treated by the House with every consideration; but he did not think it was possible to treat it with due consideration without referring it to a committee of the whole House."

The amendment was agreed to, and the Bill was passed.

Mr. MUNRO.—The Bill never became law.

Mr. CARTER.—It was passed in the following session. The fact that the Bill was referred to a committee of the whole House, after being considered by a select committee, shows that the honorable member for the Ovens is wrong in supposing that the course now proposed by the Premier is unprecedented. Further, I must say, with all due respect to the House, I have not the slightest regard for the report of the select committee on the Tramway Company's Bill. What regard had the honorable member for Rodney (Mr. Gillies) for the report of the select committee which turned him out of his seat? Or what regard had the honorable member for Barwon for the report of the select committee which caused him to lose his seat? I would not give twopence for the report of a select committee if the members of it are all chosen beforehand, and are all known to take the same view on the question to be remitted to them. I could get any report that I desired from a select committee, on almost any subject, if I was allowed to appoint whatever members I desired to appoint on the committee. If the members of a committee are chosen by a partisan, it is easy to tell what the verdict of the committee will be. The select committee on the Tramway Company's Bill was unfairly appointed, because it was not composed of impartial men. When it was decided that the committee should consist of twelve members instead of five, I expected that the twelve members would be impartially chosen, but that was not done, and, therefore, the evil was intensified. It would have been better to have a committee of five members with three in favour of the Bill, than one of twelve members with nine in favour of it. It is said that the Minister of Public Works was on the committee, but did he ever attend? If honorable members look at the record of the proceedings of the committee, they will find "Gillies, Orkney, O'Shanassy, and Woods," voting together on every division. The changes are rung upon these four names throughout. The honorable member for Richmond (Mr. Bosisto), the honorable member for East Melbourne (Mr. Walsh), and the honorable member for Castlemaine (Mr. Patterson) certainly fought on the committee in the interests of the public, but they were the only members who did. The honorable member for Castlemaine succeeded in getting an amendment carried requiring the company to keep their omnibus accounts separate from their tramway accounts, and I must do the honorable member for Rodney the justice to say that when an attempt was made to revoke that determination he showed a fair and impartial spirit by voting to leave the matter as previously decided. The committee, however, as a whole, was not fairly constituted. Honorable members who had made themselves acquainted with the subject of tramways, and who would be likely to have the Bill thoroughly investigated, were wilfully kept off the committee. It was impossible for the few members of the committee who were willing to act in the interests of the public to effect such amendments as were required. Can any honorable member show me a single amendment that has been made in the interests of the public except the one made at the instance of the honorable member for Castlemaine, and the catchpenny proposal about working men's tramcars? The committee even voted against the insertion of a clause to prevent shareholders in the company being members of the proposed Tramway Board. The Tramway Board, which is to control the company, may actually consist of shareholders in the company. This is like putting the wolves to watch the sheep.

Mr. GILLIES.—The members of the Tramway Board must be elected by the local bodies.

Mr. CARTER.—But the local bodies don't know who are shareholders in the company. The very board which is to be constituted simply to protect the public against the company may consist of shareholders in the company. As "praise undeserved is censure in disguise," I will praise the committee, and say that this impartial, beautiful, upright, straightforward, honorable committee actually refused to allow a clause to be inserted in the Bill to prevent shareholders in the company being members of
the board to look after the company! To any impartial man nothing further need be said to show the bias of the committee. The local bodies were precluded from bringing any opposition to the Bill, and consequently the only witnesses examined were those called by the company, who were not likely to bring forward any evidence which would tell against themselves. The evidence was, in fact, all in favour of the company. It was suggested that Mr. Fitzgibbon, the town clerk of Melbourne, should be heard on the other side, but some members of the committee said at once—"We don't want any evidence." Although this does not appear in the printed report of the proceedings of the committee, I can swear that it was said, because I was present at the time the words were used. What takes place before a committee and what is seen in the printed report of it are two very different things, because a witness's evidence is sent to him for revision before it is printed, so that you get in the report not what he said, but what he finds on reflection it would have suited him to say.

Mr. GILLIES.—That is not the fact.
Mr. CARTER.—I say the evidence is corrected.
Mr. KERFERD.—It is an undeserved reflection on the shorthand writers.
Mr. CARTER.—Nothing of the kind. It is the practice of the House to do what I have said.
Mr. GILLIES.—It is not the practice of the House.
The SPEAKER.—Certainly it is not so.
Mr. CARTER.—You may as well tell me you can't revise your speeches before they go into Hansard or into the newspapers.
The SPEAKER.—I think it is right for me to say here that no witness is allowed to alter the substance of his evidence. He may alter a verbal mistake, but the substance of what he has said must go to the public as taken down.
Mr. CARTER.—That is exactly what it ought to be.
The SPEAKER.—That is exactly what it is.
Mr. CARTER.—Before I was a member of the House, I was examined as a witness, and I had my evidence sent to me for revision. I am sure I do not wish to reflect on shorthand reporters. I don't know how they get down as much as they do. But any man who has had his evidence taken down by them must be aware that lots of things are necessarily omitted and misunderstood because the reporters cannot see with the mind of the speaker, and, unless they can do that, it is impossible for them to grasp the purport of what is said. They are, however, wonderfully accurate, and it is a marvel to me how they succeed as they do. What I contend for is that, if I am allowed to revise and correct my evidence, its authenticity and consequently its value is destroyed. At any rate, it shows how impartially the committee conducted the investigation when they said at the juncture which I have referred to—"We don't want any evidence."

The SPEAKER.—I think it is due to the committee and to the House that this point should be cleared up. The honorable member has stated to the House, and it will go forth to the public, that the evidence of witnesses before a select committee is not printed in the form in which it was given. I say this cannot be the case. The evidence is bound to go to the public as the shorthand writers take it down, and, if the honorable member knows of any instance in which this rule has been broken, he should report it, so that the House may take immediate steps to deal with it. The honorable member, however, is now referring to a statement made by one of the members of the committee, and not by one of the witnesses, and, that not being in the nature of evidence, there was no necessity for it to be reported.

Mr. CARTER.—That is my argument. It does not follow that, because the words do not appear in the report, they were not used, and the fact of their being used shows that the committee did not want to hear a syllable of evidence on the other side. However, there were some interjections and remarks made at the time, and the result was that the committee decided that it would be unadvisable for them to absolutely refuse to receive such evidence, and they therefore allowed Mr. Fitzgibbon to make his statement. I asked the chairman whether he would call any other witnesses on the same side as Mr. Fitzgibbon, and he replied—"No; it is not my business." The honorable members for East Melbourne (Mr. Walsh), Richmond (Mr. Bosisto), and Castlemaine (Mr. Patterson) put a few questions to the witnesses in the interests of the public, but with these exceptions I do not think the public are indebted to any one member of the committee for anything.

Mr. KERFERD.—Is it in order to refer to the proceedings of a select committee in this way?
Mr. BOSISTO.—The honorable member for St. Kilda (Mr. Carter) is referring to
the whole committee as if they had made a compact together not to take certain evidence.

The SPEAKER.—The honorable member for St. Kilda can make what statements he likes in reference to the proceedings of the select committee so long as he is in order.

Mr. BOSISTO.—But his statements are not correct.

The SPEAKER.—Their correctness has nothing to do with the question of order. That is a matter for his own consideration.

Mr. CARTER.—My objection to the report of the select committee is based on the ground that the majority of the members were, in my opinion, biased in favour of the company before they began their investigations.

Mr. ORKNEY.—Is the honorable member in order in imputing bias to the committee?

The SPEAKER.—He is not in order in imputing motives.

Mr. CARTER.—I did not speak of all the members of the committee. I specially excepted three.

Mr. ORKNEY.—The honorable member has excepted three honorable members by name, the inference being that the others acted unfairly. Is that in order?

The SPEAKER.—I think a select committee is entitled to the protection of the House. I do not think the honorable member is in order in saying the committee were biased.

Mr. CARTER.—I withdraw that statement, as it is disorderly. In my opinion, the committee did not obtain proper evidence on this question, and I believe that the report should be considered in committee by the whole House, where the matter would be thoroughly sifted. I cordially endorse all that the Premier said when making this proposal. I shall be no party to "stonewalling" tactics, and I will assist the honorable member for Rodney in getting his Bill through rapidly; but I am not prepared to swallow the report as submitted by the select committee. I do not impute motives to them. The honorable member for West Melbourne (Mr. Orkney) is assuredly actuated by the most patriotic motives. His thirst for tramways is so great, and his desire before he dies to ride through the streets on rails instead of on an ordinary roadway is so excruciating, that he is determined to get the first Bill enabling him to carry out his wishes through Parliament, no matter whence it comes.

Mr. ORKNEY.—I have had experience elsewhere of the benefit of tramways.

Mr. CARTER.—The proposal to bind the people for the next 21 years to a fixed fare of 3d., no matter how cheaply people may ride elsewhere, is a matter of no consequence to the honorable member.

Mr. ORKNEY.—Why it was I who suggested a reduced rate of fares.

Mr. CARTER.—What the honorable member wants is to have tramways. If the company are to use the streets and roads which have been constructed at the public expense, they ought to allow a clause to be inserted in the Bill whereby a scale of reduced charges may be brought into operation. The only advantages from these tramways which I can see is that people will ride on rails instead of on an ordinary macadamised road. The specimen car on view outside this House is only a little wider than the ordinary omnibuses, and may be entered, perhaps, a little more easily, but it will be drawn by the same animals or by a rope, so that there is very little to be gained by the alteration. If amendments are to be introduced into the Bill, they should be brought forward in committee of the whole House. If any other course is adopted than that proposed by the Premier, there is no likelihood of success, because no one would be quicker to take advantage of the forms of the House than the honorable member for Rodney.

Mr. KERFERD.—What do you mean by "taking advantage"?

Mr. CARTER.—I mean that he would avail himself of the forms of the House by preventing honorable members from speaking twice on the third reading of the Bill. On looking at the Bill I find that no penalties are provided except in very minor cases, so that, no matter what the company may do, it will be impossible to do anything to them. Suppose they refuse to run their tramcars along an unremunerative route after they have laid down the rails, what can be done to them? If they do not keep their roads in repair, there are no penalties, and, if any action is taken against them, it will probably result, as it did in a similar instance in Liverpool, in a chancery suit, and the local bodies may find it necessary to take the tramway into their own hands. Indeed, according to the Bill as it left the hands of the committee, the country is to be left at the mercy of the company in all such cases. The question is—Is it worth while granting a monopoly for 21 years merely for the privilege of riding on rails instead of a road?
Standing Orders Committee. [October 4.] Private Bills. 1969

I think not, and, in view of the immense public interests involved, this House ought to hesitate before granting such a privilege.

Mr. PATTERSON.—Mr. Speaker, I fail to understand either the objection of the Premier that the Government are not sufficiently represented in the Bill, or that of the honorable member for Geelong (Mr. Barry) that the Government are ignored in it. I understand that the management of local affairs has been handed over to the local bodies, and I cannot see how the Government can expect to be represented in their transactions. In the Bill introduced by Mr. Cuthbert in another place it is proposed to give power to the municipal authorities to enter into arrangements with private persons for the construction of tramways, but it is not proposed that the Government shall be represented in making those arrangements.

At this stage, the time allotted for giving precedence to private members’ business having expired, the debate stood adjourned until Wednesday, October 11.

PRIVATE BILLS.

The SPEAKER.—I would suggest that the House should now consider the report of the Standing Orders Committee in reference to the question of giving precedence to private Bills on private members’ nights, as it is necessary that some rule should be laid down as to the practice which is to be followed in dealing with them.

Sir B. O’LOGHLEN moved that the report of the Standing Orders Committee be adopted. The report was as follows:

“Two select committees of the Legislative Assembly on standing orders have the honour to report that, in their opinion, the practice that has prevailed since the session of 1876, giving precedence to private Bill business every Wednesday, should be followed during the present session.”

He asked the House not to discuss the question at present, but rather to adjourn the debate. The effect of the report of the Standing Orders Committee was that the practice which had been followed since 1876 should be continued during the present session, by which precedence would be given every Wednesday to private Bill business.

Mr. LONGMORE expressed astonishment at the tone of the Premier in moving the adoption of the report. He failed to see why the debate should be adjourned. The Bill of the Melbourne Tramway and Omnibus Company was always placed first on the paper on private members’ nights to the exclusion of other private business of quite as much importance, and, although the Government were opposing that Bill, they were now practically assisting it to pass by asking the House to adopt the report of the Standing Orders Committee. The Tramway Company’s Bill from its introduction had been granted the premier position on the notice-paper, and motions of which notice was given at the opening of the session were still far down in the list, and probably would not be reached for months to come. Such a state of things was intolerable and utterly unjustifiable, and yet adopting the report of the committee would have the effect of continuing it until the end of the session. He failed to see the propriety of it. Why should not the motions be taken in their numerical order? He wanted no favour, but he protested against perpetual precedence being given to one private Bill, to the injury of other matters of equal importance. The standing orders were never intended to give one particular Bill precedence over all other business, and it was the duty of the House to see that members who had certain motions attached to their names were fairly treated. Judging by what the effect of the report would be, he concluded that the members of the Standing Orders Committee were very favorable to the Tramway Company’s Bill. He begged to move the adjournment of the debate in order to give the Premier an opportunity of explaining his views.

Mr. FISHER seconded the motion for the adjournment of the debate. In his opinion, the Standing Orders Committee had shirked their duty. They were asked to give an intelligible explanation of an almost inexplicable standing order, or, failing to do that, to submit another standing order which would meet the views of the House. They had done neither thing nor the other. Instead of untying, they had cut, the Gordian knot by recommending that the practice which had been followed since 1876 should be continued to the end of the present session.

Sir B. O’LOGHLEN asked the House to agree to the proposal to adjourn the debate, leaving the full discussion of the matter until the question again came before the House. The intention of the Standing Orders Committee was that all Bills should be treated alike, and not that any particular private Bill should have precedence.

Mr. BARR remarked that he altogether failed to understand the method by which the notices were shifted from place to place on the notice-paper. However important the Tramway Bill might be to the metropolis, there were questions on the paper of ten times
greater importance, as far as the general population of the colony were concerned. As far as he was concerned, he would certainly oppose the adoption of any rule which would cause the many important public questions on the notice-paper to be continually set aside in favour of a private Bill.

Mr. HALL observed that he had the same complaint to make with regard to the notice-paper as other honorable members who had spoken. He had a notice of motion on the paper which involved the question of £7,000 per annum being unnecessarily spent outside the colony in connexion with the printing trade. The motion appeared on the paper last session, had to be repeated this session, and still appeared as far away as ever—indeed it appeared to be progressing backwards on the paper. He thought private members should take some steps to see that the motions on the paper came on in the order in which they were given notice of. He protested against the Tramway Company's Bill.

Mr. McCOLL complained that he was afforded no opportunity of bringing before the House the case of Mrs. Gordon, which had been hung up for fifteen months.

Mr. LONGMORE said he wished to say a few words on the question of the adjournment of the debate.

The SPEAKER.—The honorable member moved the adjournment of the debate, and he is precluded from speaking again.

Mr. DUFFY submitted that, under the new standing order which was recently adopted, an honorable member who had moved the adjournment of the debate was allowed to speak subsequently.

The SPEAKER.—That is, the next time the main question is again brought before the House. Does the honorable member for Dalhousie mean to say that an honorable member can speak twice the same night on the same question?

Mr. DUFFY remarked that he understood such to be the purport of the new standing order. He objected to its adoption on that account.

The SPEAKER.—Certainly not.

Mr. LAURENS observed that he was greatly surprised at the tramway question having been debated that afternoon, because at the meeting of the conference the other day he got a promise from Mr. Sprigg, the secretary of the Tramway Company, that the question would not again engage the attention of the House that day, as the new arrangements between the company and the local bodies were not matured. He (Mr. Laurens) would point out that if honorable members adopted the recommendation of the Standing Orders Committee they might bid good-bye to the other private business on the paper besides the Tramway Company's Bill.

Mr. GARDINER stated that, when the new standing order to which the honorable member for Dalhousie had referred was being considered by the House, the general impression was that it would enable an honorable member who had moved or seconded the adjournment of a debate to speak again on the main question.

Mr. MUNRO said the meaning of the new standing order was perfectly clear. It provided that if an honorable member moved the adjournment of the debate, and the motion was negatived, he could afterwards speak on the main question. But in the present case the honorable member for Ripon, after moving the adjournment of the debate, wanted to speak again before the question of the adjournment of the debate was decided by the House. It would be most unreasonable to allow such a thing.

The SPEAKER.—The new standing order provides that an honorable member who has moved or seconded a motion for the adjournment of the debate, “whether the adjournment be carried or not,” is entitled to speak subsequently on the main question if he has not already discussed it; but the motion for the adjournment of the debate must first be disposed of.

Mr. DUFFY explained that he spoke under a misapprehension. He was under the impression at the time that the motion for the adjournment of the debate had been negatived.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the following day.

PARLIAMENT HOUSE.

STONE FOR WEST FRONT.

On the motion of Sir B. O’LOGHLLEN, the House went into committee to consider the report of the select committee appointed to inquire into “the apparent difficulty of obtaining a sufficient quantity of suitable stone from the quarry at Mount Difficult for the erection of the front to the Parliament building.”

Mr. GILLIES moved the adoption of the report. He said—Sir, I confess that the task I have before me in submitting this motion would be very much simplified if I knew how far honorable members had studied the question for themselves, but, as I am in
the unfortunate position of not knowing to what extent honorable members have made themselves acquainted with the report and the evidence on which it is based, it will be necessary for me to enter at more length on the subject than I otherwise would do. The report, no doubt, is an unusually long one for a report of the kind, but, in view of the importance of the question, and the difficulties which have arisen in connexion with it, the committee thought it desirable that the report should err on the side of being almost too exhaustive rather than on the side of being too meagre. The early portion of the report gives a history of all the facts as they arose in connexion with the decision that this stone should be used for building the west front of Parliament House. That is one reason why the report is so long, and another is that a large portion of the evidence on one of the most important points was so conflicting as to render a lengthy review of it necessary. I confess that I have rarely sat on a committee or board of any kind where a number of competent and experienced witnesses differed so very much in their opinions on a matter of this kind. The committee had of course to weigh the evidence given by all the witnesses, and they were compelled to arrive at a conclusion which in their opinion the bulk of the evidence justified. I know that some persons have been under the impression that it would have been better if the committee had come to a resolution definitely opposed to the Stawell stone or definitely in favour of it, but I think that any one who has read the evidence must admit that the committee had to come to the finding which they arrived at, and that their duty then was to state to the House as clearly as possible what the evidence was and what was their opinion of its value. I think it is fortunate that the question of using this stone for the west front of Parliament House has at no time been made a party question. In fact, the authority upon which the Government finally acted in adopting the stone was the report of a Royal commission. That report is signed by Mr. Langridge, as chairman; by Sir W. H. F. Mitchell, the President of the Upper House; by Sir Charles Sladen, a distinguished member of the Upper House; by Mr. Jenner, another member of the Upper House; by Mr. Zox, one of the honorable members for East Melbourne in this Chamber; by the honorable member for Stawell, Mr. Woods; and by one of the honorable members for Castlemaine, Mr. Patterson. Thus, if we can possibly imagine politics being imported into the matter at all, the commission represented all shades of politics, and that commission unanimously agreed in the recommendation that Stawell stone should be used for the west front of Parliament House, and also that a tramway should be constructed. I think, then, I am justified in saying that this subject, at all events, is entirely removed from the arena of politics, and I consider that is a fortunate circumstance, inasmuch as honorable members in all parts of the House will be enabled to form an unbiased judgment as to what in their opinion would be the best course to adopt in the interests of the public. Now I venture to think that every honorable member will be anxious to see that the west front of Parliament House is built of such stone as will reflect credit on the colony, and that, if honorable members are satisfied that a mistake has been made, they will be anxious to rectify it before it is too late. For my own part, I do not think that any person in particular is responsible for determining on the use of this stone. I believe that, as is shown in the report, the evidence that was submitted to the boards of experts and to the Royal commission all led up to the one conclusion that the Stawell stone would be an excellent stone for the front of Parliament House. I believe that conclusion was arrived at on the merits, and that the decision to obtain the stone required for the front of Parliament House from Mount Difficult was arrived at on evidence which would justify the determination.

Mr. LAURENS.—There was no jobbery in the matter.

Mr. GILLIES.—There is not the slightest ground for supposing that there was jobbery of any kind in connexion with the matter. On the contrary, the evidence on which the Royal commission recommended the use of the stone was, I think, the best evidence they could obtain, and I believe that it was of such a character as would determine any body of men to arrive at the conclusion come to by the commission. But while that is quite true, I would remind honorable members that subsequent evidence, which has been furnished with reference to the character of this stone, has changed the opinion of a large number of those who, in the first instance, most strongly supported its use for Parliament House. There is still so great a conflict of testimony with regard to the value and character of the stone as a stone for Parliament House that it is difficult to arrive at a correct conclusion on the point. At
the same time, in spite of the conflicting character of a portion of the evidence, I think I may say that the great bulk of it clearly supports the report of the committee. The question the committee were authorized to inquire into and report upon was "the apparent difficulty of obtaining a sufficient quantity of suitable stone from the quarry at Mount Difficult for the erection of the front of the Parliament building." The first paragraph of the committee's report sets out:

"That the building of the west front of Parliament Houses is delayed in consequence of the difficulty of obtaining stone according to sample, as required by the contract."

I believe there can be no question whatever as to the correctness of that conclusion. The committee do not say that the difficulty is insurmountable; all they say, in the first instance, is that the reason of the delay up to the present time has been the difficulty of obtaining suitable stone.

Mr. Nimmo.—The "alleged" difficulty, it ought to be.

Mr. Gillies.—That is where the honorable member is mistaken. The difficulty is not merely alleged—it is real. Whether the difficulty is insurmountable or not is a different matter, which I am not now discussing, but that the difficulty is there is unchallengable. The evidence from the beginning to the end shows that, even in the opinion of those who entertain the strongest opinions as to the superior quality of the stone, there is a difficulty in obtaining suitable stone.

There were a number of witnesses examined who expressed very strong opinions to the effect that there was excellent stone obtainable at the quarries in sufficient quantity and equal to the sample—the superior character of which is undisputed—and no doubt their evidence is deserving of every consideration. There was Mr. Ramsay, who obtained a large quantity of stone for other buildings—he expresses a very strong opinion on that point; there was Mr. Smith, clerk of works, and a mason by trade, who strongly held the same view; there was a quarryman named Stone, who saw the quarry, although he did not work in it; and there was also Mr. Chambers, formerly a builder, who was one of the board which was appointed to inquire into the subject, and who, in his evidence before the committee, strongly maintained that there was plenty of excellent stone to be obtained from the quarry, quite equal to sample. On the other hand, there were a number of witnesses who were strongly of opinion that there is not stone to be obtained in sufficient quantity at the quarry equal to sample. Mr. Cain, contractor, expresses a strong opinion that stone equal to the sample, and fit for building Parliament House, is not to be obtained there; Mr. Martin, contractor and mason, speaks strongly to the same effect; and a quarryman named Storie, who worked at the quarry, holds a similar opinion.

Mr. Woods.—Those you mention are all one gang.

Mr. Gillies.—I am not acquainted with the private business of, and the connections—if there are any—between, the witnesses I have mentioned. I can only say that they gave their evidence before the committee, as far as I could see, in a straightforward and intelligent manner. Mr. Mitchell, the contractor, who is also a mason, likewise expresses a strong and confident opinion that there is not stone in sufficient quantity and equal to sample to be obtained at the quarry. There are thus witnesses, who from their information and experience are entitled to have weight given to their evidence, entertaining diametrically opposite opinions. But I now come to another class of witnesses, which consists of gentlemen who have in times past expressed, by reports and otherwise, the most favorable and flattering opinion of the stone, and some of whom were mainly instrumental in its being recommended by the Royal commission to be used. These gentlemen, although still entertaining the opinion that there is stone at the quarry equal to sample, in consequence of the defects that have appeared in the stone since it was sent to Melbourne, and from what they have seen at the quarry, have been led to considerably modify the opinion they expressed in the first instance. They feel that, somehow or other, things have considerably changed, and the confidence they had formerly they do not now possess. The witnesses of this class, I confess, have impressed me more strongly than any of those of the two other classes. They were, as I have said, particularly favorable to the stone in the first instance, and they still entertain the same opinion of the sample stone, so that if stone equal to the sample can be obtained from the Mount Difficult quarries, they are the strongest advocates for using it in Parliament House. One of these gentlemen is Mr. Finlay, of the Public Works department, who was a member of an early board which made a recommendation on the subject. In fact, it was that board which was really the means of
first drawing public attention strongly to the superior character of the stone. Then there were Messrs. Chambers and Beardall, who were also members of that board, and Mr. Cosmo Newbery, who had expressed a very strong opinion of the superior character of a large portion of the stone which he saw. These gentlemen have in many material respects changed their former opinions. As I have already said, there is no doubt whatever as to the superior quality of the sample stone, and there is also no question that many other stones equal to the sample could be obtained from Mount Difficult, but the question the committee had to consider was whether stone in sufficient quantity, of the sizes required, and equal to sample could be obtained there without any unreasonable difficulty. Now the witnesses I have mentioned—at least Messrs. Chambers, Beardall, and Newbery—are of opinion that, as far as they can see, such stone could be obtained from Mount Difficult, but they believe that, in order to obtain it, so large a percentage of inferior stone would have to be rejected as to make the matter almost impracticable. At any rate, they believe that there is no evidence at present in the possession of any one which would justify them in arriving at a contrary conclusion. And here I may remark, as a reason for one of the recommendations of the committee, that nearly the whole of the witnesses, even those who had the strongest belief in the existence of first-class stone at Mount Difficult, expressed themselves in favour of testing the matter, before proceeding further, by putting in a gullet in order to ascertain whether the stone that is believed to be there is really there or not. To show how the opinions of the gentlemen I have mentioned have been modified, I will call honorable members' attention to some of the evidence, and I will first take that of Mr. Finlay. It shows clearly the direction in which that witness has lately found himself compelled to travel with reference to this stone. I will read the following extracts from his evidence:

"But, coming up to the present date, is your opinion now with reference to this stone much the same as it was in the beginning—has your opinion in any way altered in the matter?—Yes, it has been modified, because if this stone that was supplied by Mr. Amess, and that we see in the quarry generally, is the best stone that can be obtained, I am afraid that our opinion will have to be modified; at the same time I have not given up hopes that good stone is to be found there."

"It has been given in evidence before the committee that stone could not have been obtained from the sample bed of sufficient size and good colour?—Yes; perhaps you will give me a little latitude in answering it.

"I would like to know if you are in a position to express a confident opinion upon that point?—I would hesitate very much to express that opinion, and say that blocks of sufficient size could not be obtained; at the same time I would not be over-confident in saying that we could get them of the size, for the blocks are very large. There is one of them seventeen feet long. It is not the depth of bed, but that was not due to the fact that they could not have been got. I do not think the question has been sufficiently determined. That is why I am anxious to cut in and see the section, and see the size of the blocks we could get. In referring to that stone I must admit that features and characteristics have developed themselves that we could neither foresee nor anticipate."

These are the present opinions of one of the members of the original board—one of the first to join in recommending that Grampian stone should be used—and they unquestionably prove that his doubts with respect to the stone have become very considerable indeed. Again, with regard to the prospects of the quarry, he gave the following testimony:

"You were up there lately. From what you saw then exposed, do you think that there is good ground for believing that stone of quantity, quality, and size could be obtained there to put in the front of Parliament House, and that you would be satisfied even if you had this gullet in, that you were suggesting, that there would be a justification in putting that stone in?—I would hesitate; because the defects that we have seen are so fatal and have thrown such an amount of doubt upon the whole stone that is now exposed, that I should certainly hesitate to give a favorable opinion of it. The cutting in of a gullet would be with the hope that we would get to see the sections that would be of a more unexceptionable character, but the practical opinions I have been endeavouring to give you must be taken in connexion with the scientific opinions as to its component parts."

So that, although he wants a gullet put in before anything else is done, he is by no means certain as to the operation being successful. Then, as to the probability of there being a large supply of stone at the Grampian quarry, equal to the sample stone, or of a large quantity being necessarily rejected as unsuitable, take the evidence of Mr. Beardall, a contractor, and a member of the previous board. The following is a portion of his evidence:

"You say there is sufficient opened up at the quarry to show you there is stone of sufficient size to be supplied under the contract of sufficient quality, equal to sample?—Yes, as far as my judgment leads me. We can only see the surface; there is only a portion opened where the company's quarry is. When we were up the last time we went over the ground and examined it, and we found it of the same quality as the portion that was opened up, and we judged that if it was all like that there would be a sufficient supply."

But when he was examined as to the proportion of the stone that would have to be
rejected, his evidence was to the following effect:—

We are dealing with a practical question. It is all important to know. Of course you cannot tell exactly, but to the best of your judgment about what proportion—would it be a large proportion?—A very large proportion.

Mr. WOODS.—That is nothing new. The case is the same in all freestone quarries.

Mr. ANDERSON.—Read what the witness said on that point.

Mr. GILLIES.—Doubtless what the honorable member for Villiers (Mr. Anderson) alludes to is the fact that the witness, in reply to a subsequent query, stated that the expense of raising unsuitable stone would, in the present case, be more than usual. Then, in another instance, his evidence was the following:—

"Suppose the front of Parliament Houses was to be built by you at your cost, is this the stone that you would take?—Yes."

That means that he would take the stone he believed to be good, if the further opening up of the quarry did not show that too large a proportion of the article would have to be thrown on one side.

Mr. WOODS.—That is explaining the evidence with a vengeance.

Mr. GILLIES.—It is not possible to put any other interpretation upon it. We must deal with the matter rationally.

Mr. WOODS.—Read the next answer to the one last quoted.

Mr. GILLIES.—It is impossible for me to refer to every question and answer any honorable member may think of. I now ask honorable members to look at Mr. Cosmo Newbery’s evidence. For example, take the following:—

"From your visit to the quarries lately, are you in a position to say whether there is a reasonable probability, in your judgment, of being able to get stone equal to the sample in the necessary sized blocks that the contract requires, and in other respects equal to the sample, and in quantity sufficient to build such a building as the Parliament Houses?—It is a very difficult question to answer, because there is stone there of the quality of the sample, and I believe in the quantity required, but how much of the hill side of those beds would have to be opened to select it from would be difficult to say—that is my difficulty in answering such a question."

Mr. WOODS.—He could answer in no other way.

Mr. GILLIES.—If this quarry were one of the ordinary kind, in which stone according to a particular sample could be quarried in the ordinary way, it is hardly possible Mr. Newbery would have given such an answer. I must inform the honorable member for Stawell that I will be unable to keep my argument continuous if he goes on with his interruptions. Mr. Newbery’s reply makes it perfectly evident that, in his judgment, so far as the quarry is disclosed there is not in it sufficient available stone of the size and quality requisite to fit it for use in the front of Parliament Houses. No other inference can be drawn from his reply.

Mr. WOODS.—He says the reverse.

Mr. GILLIES.—I hardly know whether I am addressing the committee, or the honorable member for Stawell is doing so.

Mr. FISHER.—The honorable member is putting such a gloss on the evidence.

Mr. GILLIES.—I am dealing with it as a whole, and rationally.

The CHAIRMAN.—I trust the honorable member for Rodney (Mr. Gillies) will not be further interrupted.

Mr. GILLIES.—In reply to other questions, Mr. Newbery expressed still further what I attribute to him. For instance, he gives the following evidence:—

"But from what you could see and all the information you could get, the proportion of stone that would have to be rejected would be more than usual in a quarry?—I think so. I think so more since my last visit, and my further examination of the stone that we have had here in the Parliament yard, there is a danger that a very large proportion of the stone would be rejected, but that is the merest conjecture, there is no possibility of saying so."

"Then you think there is not sufficient stone exposed, that has been cut out there from these various beds, to enable you to form an opinion?—No; I should have answered otherwise some time ago, but so many imperfections have been found that one feels shaky about giving a favorable opinion, there is so much of the stone—in fact, nearly all the stone lying out, quarried—that is defective stone."

In reply to another question, as to the probable results of putting in the gullet; Mr. Newbery described where he thought good stone could be obtained, adding—

"If that lift below is a failure, and will not yield good stone, I do not think the quarry would yield a stone fit for Parliament House, for all the upper bed, the first lift of it, will give sound stone, but with an infiltration iron stain."

And again—

"Then you think that so far as you know at present it is still problematical—unless there is a further exposure of the quarry and the stone in it—whether there will be sufficient stone equal to sample and of the extra sizes required to build the front of the Parliament Houses?—Yes, excluding the iron-stained samples, because you cut away such a tremendous lot of the rock."

These opinions of gentlemen who were members of previous boards appointed to examine the Grampian stone show beyond all question that a great change has taken place in their views on the subject. Formerly they
Select Committee's Report. [October 4.] First Night's Debate. 1975

had great confidence in the stone, now they are very far from confident—so far that they express the gravest doubts with regard to it. With respect to the three architects examined by the committee, Mr. C. Webb, Mr. L. Terry, and Mr. A. E. Johnson, I may mention that they have sent in a report to the Government, in which it will be noticed they recommend several very important alterations in the Parliament Houses contract. In the first place they suggest that the size of the larger stones required for it should be reduced, and, secondly, that the Government authorities should not be so particular as they now are about their having no stains whatever on the stones taken. At the same time each of these gentlemen expressed himself as strongly in favour of the proposed gullet being put in, in order to place the character of the quarry beyond question. Of course, as I pointed out before, if the opinions of those who have no doubt of the sufficiency of the quarry for the purposes in view are taken, there will be no occasion for the gullet at all, but I think the mere fact that each of the last-mentioned witnesses strongly insists upon the absolute necessity for it shows that there is an uncertainty on the whole subject which it will be most dangerous to ignore. Before I go further let me draw attention to the following evidence given by Mr. Finlay, as to the desirability of proceeding with the use of the stone for the front of Parliament Houses if the gullet is not put in:

"Considering the importance of the work that has to be done and the character of the building, from what you know at present do you think it would be a safe thing to put a stone of that kind in the Parliament Houses?—If the committee determine not to explore any further, but to take what they have and what they see as data to go upon, I think a man would be very foolish to recommend that stone to go into Parliament Houses, no man with a proper sense of his responsibility would do so.

"You think the risk would be too great?—I think the risk would be too great; in fact, he would be surrounded at the very start with doubts, and I contend to begin a job of that kind surrounded with doubts would be foolishness, madness indeed; there would be plenty of difficulties under the most favorable circumstances."

"Let me here direct notice to a point of considerable moment. Some persons have expressed a very confident opinion as to the adequacy of the quantity of superior stone, equal to the sample, to be found in the Mount Difficult quarry, but it should be recollected that in making statements of that kind they have no responsibility. In Mr. Finlay, however, we have a man who, with respect to every opinion he, gives utterance to, regarding the present question, has a great responsibility upon his shoulders, and it is with a full sense of that state of things that he says that to be content with the quarry without the test of putting in the gullet would be madness.

Mr. LANGRIDGE.—Look at his evidence in reply to question No. 443.

Mr. GILLIES.—That does not in the least contradict his later view. He says still that general appearances are in favour of sufficient good stone being available from the quarry, but he also states that experience of the stone has brought to his knowledge matters with respect to it of such a serious character that he would not feel justified, unless something further was done, in recommending it being relied upon for the front of Parliament Houses. The quality of the stone is such—what I speak of is shown through almost all the evidence—that when it was first brought to Melbourne and exhibited in Parliament yard, nearly every one expressed a highly favorable opinion of it. In fact, those who have condemned it only did so after it was worked.

Mr. WOODS.—But how was it worked? Who would dream of fairly testing freestone by fine-axing it?

Mr. GILLIES.—The stone in the yard has been worked in a variety of ways. It is not all fine-axed. What I wish honorable members to observe is that when the stone was first seen it was thought magnificent, and that the disclosure of its defects in working it truly astonished every one. That disclosure changed the opinions on the subject.

Mr. WOODS.—Nothing of the sort.

Mr. GILLIES.—So completely is what I state the case that it would seem, from the evidence, that had the old practice of the Public Works department been followed with respect to the Mount Difficult quarry—that is to say, had an inspector been sent up there to inspect the stone and pass it as it was turned out—the greater portion of the material forwarded to Melbourne in which defects have since been discovered would undoubtedly have been condemned, to the loss of the Government instead of the contractor.

Mr. WOODS.—It did not all come from the same bed.

Mr. GILLIES.—The honorable member states something not shown in the evidence.

Mr. WOODS.—It is true, anyhow.

Mr. GILLIES.—I do not know from what knowledge the honorable member speaks, but the evidence taken by the committee is to the effect that a large number of
the blocks came from the sample bed, and I am bound to say that before it was dressed it received the highest possible character from the best judges. One witness gave evidence that from the beginning he saw that the stone was not good, but he is quite an exception. The contractor for the Parliament Houses front, the inspectors of the Public Works department, a number of city contractors, and various experienced masons all say that when they first saw the stone they thought it splendid and most fit, but that after it was dressed they had to change their opinion. The manner of the dressing made no difference, because the defects disclosed are such as render the stone unfit for use at all. The clay veins shown in it are absolutely fatal to fine work. Experience, too, has developed another peculiarity in the quarry, which distinguishes it from the great majority of freestone quarries. The rule is in a freestone quarry that the stone does not get worse the lower down you go, but in this case the best and hardest stone—the sample stone, for example—was taken from the surface, while the lower the quarrymen went the more friable and soft was the material found to be, and the more numerous were the clay veins. Towards the conclusion of Mr. Newbery's examination he gave the following evidence:

"Even since your examination did you ever think they would erect this place, Parliament House, with the stone; that they would get sufficient quantity in good quality?—The quantity is limited; my own private impression has always been that it was not a wise undertaking to build Parliament Houses of Stawell stone, but it was the wish of the Parliament that a Victorian stone should be used in Parliament Houses, and there is no doubt the Stawell Range is the only place that will supply the stone to do it with, if it is to be built of Victorian stone."

Mr. C. YOUNG.—And he previously reported in exactly the contrary way.

Mr. GILLIES.—I do not think the Minister of Public Works paid sufficient attention to the shape of Mr. Newbery's evidence. When a man is asked a general question, if he is wise, he gives a general answer and no more, and the same rule holds good with specific questions. For example, the honorable gentleman's colleague, the Attorney-General, will tell him that a Supreme Court judge simply decides the point brought before him without touching any collateral issue. In just the same way a professional man questioned on a delicate professional point strictly confines himself to replying to the query put to him. In the first instance, Mr. Newbery answered certain general questions about the stone generally, but when a distinct issue was raised as to his opinion of the policy of using the material, he replied in the way I have quoted.

Mr. C. YOUNG.—But the answer he gave then differs from his former statements.

Mr. GILLIES.—I challenge the honorable gentleman to prove that. I assert that there is not a word in Mr. Newbery's previous reports contradictory of his last statement. He may not have said the same thing before, but that is because he was never asked a similar question before. A great many persons run off with the idea that, because there is Stawell stone of good quality and in quantity and size sufficient for many small buildings and some public buildings, that is enough, but the case is not so. To get stone of the size and quality required in stone for the front of Parliament House is a very different matter. A number of witnesses, among whom was Mr. Newbery, stated to the committee that they were not previously aware that of all the blocks of Stawell stone in Parliament yard only one was the sample stone by which the rest had to be judged. No doubt that sample stone is an extremely fine piece of material, but one swallow does not make a summer, nor does a speck of gold make a gold-field. So it is still a question, in spite of all the stories we have heard of the tremendous crushing pressure certain blocks of Stawell stone have stood, whether, for the purposes of the front of Parliament House, stone of sufficient quality can be got in sufficient size and quality from the Mount Difficult quarry. I have a few more remarks to make, but, inasmuch as I understand there is a general desire that progress should be reported, I will postpone them.

Progress was then reported.

The House adjourned at nine minutes past eleven o'clock.

LEGISLATIVE ASSEMBLY.

Thursday, October 5, 1882.


The Speaker took the chair at half-past four o'clock p.m.
POST OFFICE LAWS AMENDMENT BILL.

Mr. WALSH asked the Postmaster-General if he would name a day for dealing with the portion of the Governor's speech at the opening of the session referring to the question of the reduction of the rates of postage? He particularly wished to know when the Government would proceed with their proposals for reducing the postal rates on newspapers and packets sent to other colonies.

Mr. BOLTON said there were about fourteen Bills on the list of Government business before the Post-office Laws Amendment Bill, and therefore it was impossible to name a day when that measure would be proceeded with. The Bill contained provision for a reduction of the postage rates on newspapers and packets sent to other colonies, and also for facilitating their transmission.

THE LOAN.

Mr. CARTER asked the Treasurer whether the contract with the associated banks, laid on the table of the House, bound the Government to pay the interest and the principal of the loan only through the agency of that association? He said his reason for asking the question was that the contract would become valid if it remained on the table of the House for a month without any objection being taken to it.

Sir B. O'LOGHLEN stated that the contract was valid as soon as it was entered into. The Government took the responsibility of it. The honorable member was, therefore, under a misapprehension in supposing that it would not become valid until it lay on the table of the House for a month without any objection being taken to it.

Sir B. O'LOGHLEN said he would be very happy, if he could, to comply with the usual guarantee? A certain number of Enfield rifles had been supplied to the club, but, though they would do for beginners, they were quite out of date; and unless the club got a few Martini-Henrys the members would not be able to compete at the Victorian Rifle Association matches.

Mr. CARTER remarked that in Todd it was clearly stated that any unauthorized contract made by a Government was not valid until it lay on the table of the House for a month. If, in the meanwhile, no objection was taken to the contract, it became valid at the expiration of that time. The reason for requiring the contract to lie on the table for a month before it became binding was to enable the House to object to it if it did not approve of it. (Mr. L. L. Smith—"That never has been the case.") It was the practice in the House of Commons, and he was informed that it was the practice here. He would be glad if the Speaker would give a ruling on the point.

The SPEAKER.—So far as I am aware, there is no rule of Parliament on the subject.

Mr. CARTER intimated that, on the order of the day for going into Committee of Supply, he would move that the House disapprove of the contract, in so far as it committed the Government for the next 25 years to employ one particular agency for the payment of interest and the repayment of principal.

PETITION.

A petition was presented by Mr. Harris, from inhabitants of Emerald Hill, St. Kilda, and Elwood, praying that the Elwood line might be reinstated in the Railway Construction Bill.

RAILWAY DEPARTMENT.

Mr. LEVIE asked when the sidings at Marcus Hill and Pettavel would be available for traffic; and also when the cattle yards would be erected at Drysdale?

Mr. GRAVES (in the absence of Mr. Bexr) said that the sidings at Marcus Hill and Pettavel were now ready for traffic, and that the erection of small cattle yards at Drysdale would be proceeded with at once.

MARTINI-HENRY RIFLES.

Mr. DEAKIN asked the Treasurer if he would supply the Bacchus Marsh Rifle Club with 15 or 20 Martini-Henry rifles, on receiving the usual guarantee? A certain number of Enfield rifles had been supplied to the club, but, though they would do for beginners, they were quite out of date; and unless the club got a few Martini-Henrys the members would not be able to compete at the Victorian Rifle Association matches.

Sir B. O'LOGHLEN said he would be very happy, if he could, to comply with the request of the Bacchus Marsh Rifle Club; but it happened that all the rifle clubs were making similar applications, and to supply them all probably 1,000 Martini-Henry rifles would have to be purchased, which would involve an expenditure of £3,000, for the weapons cost from £4 10s. to £5 10s. each. As the Government were at present making a very large outlay on the defences, he did
not consider it advisable to incur any additional expenditure. (Mr. Langridge—"How many Martini-Henry rifles are there in the colony?") There were about 1,200. (Mr. Woods—"That number is not one quarter enough.") He would be very glad if another 1,000 were procured, but he hesitated to incur the expense in view of the large expenditure already being entered into for defensive purposes. He thought that the question of obtaining a further supply of Martini-Henry rifles might stand over until the next financial year.

DYNAMITE.

Mr. McCOLL asked the Minister of Mines if he had any objection to lay on the table the whole of the communications on the subject which he had received from the Miners' Association.

AVOCA WATER TRUST.

Major SMITH asked the Minister of Water Supply if he would cause inquiries to be instituted into the complaints made by selectors, farmers, and others, residing near East Charlton, against the sites selected by the water trust in that locality for weirs? He said that a petition on the subject was forwarded to him for presentation to the House the previous day, but, owing to some informality, it was not in order, and therefore could not be received. He would, however, hand the petition to the Minister of Water Supply. The petitioners complained that, if the weirs about to be constructed by the Avoa Water Trust were placed in the positions proposed by the trust, they would benefit a few large landowners to the detriment of the farmers and selectors. The representations made by the petitioners certainly deserved investigation.

Mr. C. YOUNG said that the Avoa Water Trust advertised their proposed water supply works in the Government Gazette three times, and also advertised them in the Age, and in all the local newspapers. The publication of the advertisements extended over a period or four or five weeks, the announcement appearing in some of the papers no less than five times. In addition, the plans of the works were deposited for inspection in the shire halls of the various municipalities affected by them, and remained there for a period of four weeks. During the whole time that the advertisements were published and the plans exhibited, not a single complaint was received from any resident in the locality as to the proposed works, though full opportunity was given for any persons to raise objections who did not approve of what the trust contemplated doing. Moreover, the works were to be carried out in accordance with the schemes of Messrs. Gordon and Black, which had been before the country for the last twelve or eighteen months. (Major Smith—"Did Messrs. Gordon and Black select the sites for the weirs?") The reason why so much publicity was given to the proposals of the trust was to enable any of the residents of the locality to submit objections to the works if they desired to do so; but, as he had already stated, no complaint whatever had been made to the Water Supply department. As head of the department, he would give careful consideration to any complaints that were made to him with reference to the works, and none of the works would be constructed without the approval of Mr. Gordon.

Major SMITH remarked that what he specially desired to know was whether the Minister would make inquiries as to the complaints contained in the petition.

Mr. C. YOUNG said he had not yet seen the petition, but any complaints made to the department as to the proposed works would receive due consideration.

Mr. McCOLL observed that, in the case of the Strathfieldsaye Water Trust, the legal time for raising objections to the proposed works expired before any complaints were made. As that was owing to the residents in the district being ignorant of the law, the Minister of Water Supply took into consideration certain objections which were subsequently raised to the proposals of the trust, and the honorable gentleman ought to deal with the complaints of the Avoa people in the same way. It was the fact that the weirs had been made in the interests of a few large landowners, and against those of the selectors.

Mr. C. YOUNG stated that no weirs had yet been made by the Avoa Water Trust.

GOVERNMENT ADVERTISING.

Mr. MIRAMS said a return had been laid on the table in response to an order made by the House, on the 19th of August, at his instance, relating to the cost of Government advertising during the year ending the 31st August, but it did not show how the money was distributed. He therefore desired to ask if the Government would
consent to a motion for a further return being “unopposed”?  

Sir B. O'LOGHLLEN intimated that he had no objection to the information desired by the honorable member being supplied.  

Mr. MIRAMS, with the leave of the House, moved—

"That there be laid before this House a return showing the mode in which the £10,125 expended by the Government upon advertising during the year ending 31st August last was disposed of; together with the amounts paid to the various newspapers."

The motion was agreed to.

DOOKIE FARM.

Mr. McKean asked the Minister of Agriculture if he had any objection to comply with the request of the parents of the late students at Dookie Farm to refund them the £40 each paid for instruction, and to lay on the table of the House the regulations issued by the department, and the correspondence with the parents on this subject? A number of young men were sent to the farm by their parents on the understanding that, in return for a payment of £40 each, they would receive an agricultural education and free board and lodging during the time that they remained at the establishment. They did obtain board and lodging, such as they were. Their food consisted principally of salt junk, which was very liberally supplied to them. While the catering at the institution was bad, he believed that the education which the youths received was far worse—in fact, that they obtained no education whatever.

Mr. C. Young said it was an error to suppose that he had received any money from the parents of the students at Dookie Farm. The fees were paid to the department before the happy event of his entering office occurred. Not having received the money, he could not see his way to return it. The money had been paid into the consolidated revenue, and, of course, the honorable member for North Gippsland (Mr. McKean) was aware of the impossibility of getting it out again. There were also other good reasons why the money should not be repaid. The primary object the department had in view in establishing the farm was to train young men in the practical branches of agriculture, and, as far as possible, to fit them for the profitable management of farms. The students were, in fact, instructed in practical agriculture, the result of the education they received being that every one of them was now holding a first-class position, and doing remarkably well. They got full value for their £40, for they received their second year's instruction free of charge, and were also paid wages.

Mr. KERFERD inquired if any of the parents had applied for a return of the £40?  

Mr. C. Young stated that they had all applied for the money to be returned.

CROWN CROSS REEF.

Mr. Woods said he had just received a telegram from Stawell, which, as it contained good news of an important character, he would read to the House:

"Stawell. Crown Cross, 1700 feet; broke into reef. Splendid stone.—J. H. Franklin."

This was probably one of the most gratifying circumstances in connexion with gold mining that had occurred in the colony for a long time.

MRS. JULIA GORDON.

Mr. McColl asked the Minister of Lands if there was sufficient evidence in the department to enable him to arrive at a decision on the dispute between Mrs. Gordon and Mr. P. J. Martin as to the lease of certain land on the Yarra bank?

Mr. W. Madden replied that the disputes between these parties occurred long before he took office. He had, however, looked carefully over the papers, and he was of opinion that the disputes should be settled by the courts of law, and not by any Minister of Lands.

Mr. McColl said he felt it his duty to move the adjournment of the House, in order to bring under notice the wrong which had been done to Mrs. Gordon, as a licensee of the Crown.

The SPEAKER.—The honorable member has a motion on the notice-paper relating to Mrs. Gordon's case. He will not be in order in moving the adjournment of the House for the purpose of anticipating the discussion of the motion on the paper.

Mr. McColl said he would take steps to have his motion withdrawn from the paper, with the view of calling attention to Mrs. Gordon's case on the order of the day for going into Committee of Supply. A gross injustice had been done to Mrs. Gordon, and he wanted to have the whole case ventilated.

Mr. McKean stated that he would move the adjournment of the House, in order to deal with another branch of the case. He had acted professionally, merely in an honorary capacity, for Mrs. Gordon, and he was thoroughly acquainted with the whole facts. Both the Premier and the Minister of Lands
had stated that Mrs. Gordon had her remedy in equity, but he could assure them that she had no relief whatsoever, either in law or equity.

The SPEAKER.—If the honorable member for Mandurang (Mr. McColl) would have been out of order in moving the adjournment of the House to discuss this case, the honorable member for North Gippsland (Mr. McKean) will be equally out of order in doing so.

Mr. McKean intimated that, in consequence of the Speaker's ruling, he would reserve his remarks for a future occasion.

PARLIAMENT HOUSE.

Mr. CARTER asked the Speaker if he would consider the propriety of taking steps to have the Houses of Parliament illuminated with electric light? If that light was adopted in the Legislative Assembly chamber, instead of gas, the temperature of the chamber would be greatly reduced. Something, at all events, should be done to improve the temperature during the approaching hot weather.

The SPEAKER.—The only thing I can do will be to call a meeting of the Parliament Buildings Committee to consider the subject. The committee may also, at the same time, consider Dr. Reid's scheme for ventilating this chamber, a plan of which is on view in the large hall. It appears to me to be a most effective method.

Sir B. O'LOGHLEN remarked that the ventilation of the Assembly chamber was most defective. The front Ministerial bench seemed to be colder in cold weather, and hotter in hot weather, than any other part of the chamber.

PRIVATE MEMBERS' BUSINESS.

Mr. MUNRO said he desired to call attention to the fact that the business paper was crowded with notices of motion in the names of private members. Owing, to some extent, to the repeated motions for adjournment, there was no chance of getting the motions on the paper disposed of. He would suggest that the House should meet on Mondays and Fridays for two or three weeks, and get through the notices of motion and other private members' business.

Sir B. O'LOGHLEN stated that he had already suggested that the House should meet on Fridays for the transaction of private members' business, and that the whole of the time on Wednesdays should be devoted to Government business. If the House wished to meet on Fridays, he would certainly support a motion to that effect. (Mr. Kerferd—"We tried Friday sittings for many years without success.") He was quite content to try Friday sittings again. He was desirous of seeing Government business as well as private members' business cleared off the paper.

Mr. PATTERSON expressed the opinion that the House was worn out, and that it could not be patched up. It wanted to be renewed from the very foundation. It was useless to attempt to transact any further business of importance during the remainder of the present Parliament. The House was not only exhausted but prostrated.

TITLES OFFICE.

Mr. ORKNEY asked the Attorney-General, without notice, if he had taken into consideration the desirability of protecting the building used as the Titles-office from fire? The building was situated close to a large timber-yard and saw-mills, where steam engines were continually at work, and there was great danger in its proximity to such a place.

The Titles-office contained very valuable documents, most of which could not be replaced, and, in case of a fire occurring in the timber-yard, there was every probability that they would be enveloped in the conflagration and destroyed. A lesson should be learned from the burning of the Exhibition-building in Sydney, the effect of which was to destroy papers which had cost an immense sum of money to prepare.

Sir B. O'LOGHLEN stated that his attention had already been called to this matter. It certainly seemed a source of danger to have a large timber-yard in the centre of a city, and he thought it would be advisable to draw up regulations similar to those in force in other large centres of population, by which timber-yards were required to be situated at a considerable distance from all buildings.

In the case of the Titles-office, however, the only precaution which he thought could be taken was to provide the building with iron shutters. (Mr. Orkney—"They will not be one bit of good.") They might not be of much value, but still they would be some precaution. The Government had ordered some patent iron shutters from England, and they would be placed on the windows on the side next the timber yard. All the documents were kept in a fire-proof vault in the basement of the building, and were secure from fire. (Mr. Tucker—"The applications are not.") The honorable member might be right as to certain current papers, and the only way to secure them would be to place
them each night in the fire-proof vault. He would see whether some such arrangement could not be carried out.

Mr. KERFERD suggested that, as the Titles-office would in a short time require to be very much enlarged, the timber-yard should be bought, so that the danger from fire from this source might be done away with, while ground would be obtained upon which to erect the additional portions of the building.

PRIVATE BILLS.

The debate (adjourned from the previous day) upon Sir Bryan O’Loghlen’s motion for the adoption of the report of the Standing Orders Committee, in reference to giving precedence to private Bills every Wednesday, was resumed.

Mr. LONGMORE remarked that the report of the committee would have the effect of giving precedence every Wednesday to the Melbourne Tramway and Omnibus Company’s Bill, to the exclusion of some 40 or 50 notices of motion which had for months been standing on the list, and most of which were of greater public importance than the Bill of the honorable member for Rodney (Mr. Gillies). The whole thing was so absurd that he hoped the Government would pause before supporting it. The Government, if they agreed to the report of the Standing Orders Committee, would actually be supporting the Tramway Company’s Bill, which they opposed whenever it came up for discussion.

Sir B. O’LOGHLEN explained that the report of the Standing Orders Committee was intended to apply to all private Bills, and not to any one in particular. The Government were not doing anything which could be interpreted as “stone-wall ing” the Tramway Company’s Bill; they only opposed it in its present shape.

Mr. LONGMORE said that the Tramway Bill had already occupied five months of the session, and in all probability it would occupy five months more, and shelve all other private business. He could understand the measure being given precedence every other Wednesday, but it was unfair to a large number of honorable members who had business on the paper, to place it in the premier position on every private members’ night.

Mr. MUNRO observed that, in his opinion, the Standing Orders Committee could come to no other conclusion than that which they had arrived at. Honorable members, however, had the remedy in their own hands. If they desired to get through all the private business, inclusive of the Tramway Company’s Bill, they might arrange to meet on an extra day for a couple of weeks. By doing this they would clear the paper. (Mr. Longmore—“You cannot get honorable members to attend on extra days.”) If honorable members took so little interest in private business, it was useless to put it on the notice-paper.

Mr. FISHER remarked that he had been informed that the experiment of appointing extra sitting days was tried before, and that it was a failure. (Mr. Longmore—“It was always an absolute failure.”) It would be an awkward arrangement to sit on Mondays or Fridays for a few weeks, and not to continue the practice to the end of the session. According to the report which they had submitted, the Standing Orders Committee did not seem to have tackled their work in a proper way, as it appeared that they had not done what they were expressly asked to do, namely, either to explain the existing order, or to frame a new one. There was good reason for being dissatisfied with the action of the committee, as it had not relieved the House of the difficulty in which it found itself. According to the report, the private business would remain untouched until the end of the session, precedence being invariably given to the Tramway Bill. Up to the present session, he believed, private business had only been taken up to half-past six, so that possibly that was the practice which the Standing Orders Committee intended to be continued up to the end of the session. He never heard that during any previous session private Bill business had been taken up till half-past nine o’clock. It would be advisable to refer the report back to the committee for them to explain what it meant. Did they mean that the course of procedure which had been followed up to the commencement of the present session should be continued, or that the practice of the present session should remain unaltered?

Mr. KERFERD considered the suggestion of the honorable member for North Melbourne (Mr. Munro) a practical solution of the difficulty. Extra sitting days had been frequently appointed in previous sessions, and, if the same thing was done now, a means would at once be provided of clearing the notice-paper of the great number of questions and motions with which it had been overcrowded. The practice of sitting continuously on Fridays was observed for several sessions in the early history of the Parliament of this country, but it was abandoned.
because, although the notice-paper was gorged with notices, honorable members did not attend to dispose of them. If a special day for disposing of such motions was appointed, the paper would soon be cleared. It would be found that one-half of the members would not be present to move their own motions, for, in a large number of cases, the whole object aimed at was served by the motions appearing on the paper—the members in whose names they stood never intending to go further with them. The notice-paper was used as a vehicle for placing a number of bogus motions before the House, but those which were genuine could be disposed of if the Government would devote one night for their consideration. (Sir B. O’Loghlen—“Let the promoters of the Tramway Company’s Bill give up a night.”) The Tramway Bill ought not to stand in the way. It was not going to be a standing dish for the whole session. Surely the present Parliament was not going to die of Tramway Bill on the brain. That measure could be disposed of, one way or another, in one night if it was dealt with in the ordinary manner. There were several notices on the paper which were deserving of discussion, and which honorable members desired to discuss, and, if the Government would concede one of the nights devoted to their own business, they could all be swept away. If they declined doing this, then they might ask the House to sit either on a Friday or on a Monday, and take means to get their supporters to attend, so as to make a way. If those courses were not adopted, it was useless to think of getting over the difficulty in the ordinary way.

Mr. LANGRIDGE expressed the opinion that the suggestion to remit the report back to the Standing Orders Committee would meet the whole difficulty. The committee could amend their report so as to suggest two hours on Wednesday for private Bill business, instead of four, the remaining two hours to be devoted to other private business. It would be impossible to obtain an attendance on an extra day, and it would be unfair to expect the members of the Government, who had to transact the business of the departments during the day, to attend an extra sitting for the transaction of private business.

Sir B. O’LOGHEN observed that the suggestion of the honorable member for Mandurang (Mr. Fisher) appeared to be a reasonable one. Had this question been considered at the commencement of a session, he would have asked the House to agree to the proposal of the honorable member, but, as the committee had reported that in their opinion the present practice should be continued until the end of the present session, it was his duty to support their recommendation and to move the adoption of their report. (Mr. Kerferd—“You are opposed to the Tramway Company’s Bill, and the honorable member’s proposal would shorten the time for its consideration.”) He had pointed out over and over again, and the honorable member for the Ovens (Mr. Kerferd) had accepted his explanation, that he was only opposed to the Tramway Bill in its present shape. He was not opposed to a Tramway Bill nor to any company bringing forward such a measure. He did not wish to “stone-wall” the Bill, his sole object being to have it fairly and properly discussed. It must be admitted that, in moving the adoption of the report of the Standing Orders Committee, he was taking a course not at all consistent with the supposition that he was “stone-wall” the measure. He hoped any supposition of the kind would be at once abandoned. The Government could not set apart one of the ordinary days, as suggested by the honorable member for the Ovens, for the transaction of private business, but if the House would agree to sit on an extra day they would do their best to get honorable members to attend. (Mr. Munro—“Give notice that you will move that the House sit to-morrow week.”) It was very easy to give notice of such a motion, but a whole night might be taken up in discussing it. If honorable members had made their arrangements beforehand, and desired to get back to their constituents in the country at the end of the week, what chance was there of obtaining an attendance? The Government would be most happy to make the experiment, however, if honorable members would attend on Friday week without notice of motion being given, and, if it was successful, it would be very useful as a precedent for the future. The Government might find it necessary to ask the House to meet on an extra day for the transaction of Government business.

Mr. GILLIES said that, if the Government would arrange for the House to sit on Monday week, he would undertake to do his utmost to obtain a quorum. He felt sure that the attendance of a sufficient number of members could be obtained, even without much assistance from the Government. There would be no difficulty about the matter, but it would be a different thing to attempt
to arrange an additional sitting on a Friday, as many members had engagements to meet in the country at the end of the week which would prevent their remaining in town.

Mr. BELL remarked that country members had engagements in their districts at the end of the week which they would be unable to postpone, and which would prevent their attendance at an additional sitting on a Friday. They might, however, attend on a Monday, as that day would be much more convenient.

Mr. FISHER suggested that, as honorable members seemed desirous of restricting the time devoted to the consideration of private Bill business, a motion confining the discussion of such business to two hours on Wednesday nights should be agreed to without discussion.

Sir B. O’LOGHLEN observed that it was plain the House was not willing to sit on any Friday: therefore, the next question was whether it would adopt the suggestion of the honorable member for Rodney (Mr. Gillies), and fix Monday week for a sitting day. The Government were perfectly willing to give the necessary notice of motion in the matter, but it must be unanimously understood that the proposition would be neither opposed nor debated, or it would not be worth moving.

Mr. LONGMORE said the House might make up its mind to sit on Monday, but the country members could not, and therefore would not, attend on that day.

Mr. NIMMO thought the House ought to sit an additional day in order to bring up the arrears. He could not accuse the Government of any disposition to retard affairs, because, on the contrary, they had been—the Premier especially—most exemplary in their attention to public business, and also in giving facilities for private members’ business; and it was the duty of the House to strengthen their hands by holding an extra sitting in the week. One matter kept back by the existing state of things was the Harbour Trust Bill, but he believed that what had prevented it from receiving more attention than it had obtained was the misconception that existed in regard to it. Were that misconception removed, a few hours would be sufficient for passing the measure through its remaining stages, for practically little more than affairs of detail had to be settled in connexion with it.

Mr. LAURENS moved the addition to the proposition of the Standing Orders Committee of words limiting the period allotted to private Bill business to half-past six o’clock on Wednesdays. He said he was perfectly willing to sit an extra day in the week, but he was often struck, as matters stood, by the meagre attendance on Thursday.

Mr. GILLIES remarked that the natural effect of the amendment would be to encourage further obstruction to the Tramway Company’s Bill, in which, however, he wished it to be understood he had no more interest than arose from the fact that he introduced it, and would therefore like to see it dealt with on its merits. Honorable members ought not to overlook the circumstance that the practice which had prevailed with respect to private Bill business during the past six years, namely, that of giving precedence to it every Wednesday, was one of the reasons the Tramway Company had for believing that, if their measure was brought in, it would probably receive attention. Therefore it would be something like a breach of faith with them if, before their Bill, upon which they were unfortunately spending a large sum of money, was disposed of, the practice was changed.

Mr. LONGMORE said he quite disagreed with the idea that the promoters of the Tramway Bill would be unjustly dealt with if the practice in relation to private Bills was changed. How could they have reckoned on the old practice being continued? (Mr. Gillies—“Had I thought honorable members would consent to change it while the Bill was before them, I would never have brought it in.”) The promoters of the Bill simply sought to make money—to get the municipalities to give up what was worth from £300,000 to £500,000—and they had no right to extra or special consideration. Why should the House be in any way subservient to them?

Mr. KERFERD stated that it would be exceedingly unfair for the House to alter the standing orders relating to private business in order to defeat a particular private Bill. (Mr. Longmore—“That is an unfair assumption.”) What other reason could there be for the change proposed? There was no other private Bill on the notice-paper. Who first suggested the alteration? The honorable member for St. Kilda (Mr. Carter). Why did he do it? Because he saw that the Bill could not be successfully “stone-walled” unless the period allotted to private Bills was limited. In fact, the “stone-wallers” of the Bill were not good at their business. They were gravelled for lack of matter. They could not “stone-wall” in an interesting way. They were clumsy, and
conscious of their clumsiness. But why should the House consent to serve their purpose—to encourage the "stone-walling" of a Bill, the promoters of which strove to meet every one fairly, and were, at the present time, put to an expense, in promoting their measure, of from £40 to £50 per week? (Sir B. O'Loghlen—"What is that amount of money in comparison with the public interest?"") Nevertheless, the Government ought to see that to alter the terms upon which the company's Bill could be considered while it was still before the House could not be fair treatment, and that therefore, instead of supporting the amendment of the honorable member for North Melbourne (Mr. Laurens), they ought to oppose it. (Sir B. O'Loghlen—"We are going to oppose it.") Then he (Mr. Kerferd) had been under an erroneous impression, for which he begged to apologize.

Sir B. O'LOGHLEN remarked that the honorable member for the Ovens (Mr. Kerferd) appeared to be labouring under a misapprehension, and also to have been speaking merely with the object of gaining time. Now he (Sir B. O'Loghlen) disliked "stone-walling" extremely. He wanted every measure dealt with on its merits. For himself, he did not remember ever "stone-walling" except once, when he wanted a particular measure postponed, and the Government of the day refused to postpone it. He considered the remarks of the honorable member concerning the alleged "stone-walling" of the Tramway Company's Bill as ill-judged, because they were calculated to irritate honorable members whose object might be simply to secure a full discussion of the measure. On the other hand, it might perhaps be urged, with perfect justice, that some honorable members were a little too anxious to push that measure forward. Unquestionably it would be unjust to alter the practice relating to private Bills while a particular private Bill was before the House, and, therefore, the Government would support the recommendation of the Standing Orders Committee. At the same time, were it the beginning of the session, he (Sir B. O'Loghlen) would certainly make a proposition of some sort to prevent one private Bill standing in the way of all other private members' business. Still it was not the fault of the promoters of the only private Bill now before the House that the standing orders gave it an undue advantage, and, therefore, they ought not to be made to suffer by that advantage being withdrawn.

Mr. FISHER observed that the honorable member for the Ovens (Mr. Kerferd) apparently professed to know a good deal about the inner life of Parliament, and on that ground imputed to certain honorable members a desire to "stone-wall" the Tramway Company's Bill, but in truth, he was getting altogether beyond bounds. He was now a sort of political Bunthorne—in fact the great "pooh-poocher" of the Assembly. His "pooh-poohs" were always ready—for the Premier, the leader of the Opposition, or any one else. His conduct with respect to the Bill was most peculiar. When it came up for its second reading he said he was not in its favour, but, nevertheless, he considered that it was not the proper stage at which to discuss its principles, which would arrive when the report of the select committee was brought up. But, when that report appeared, what was his tale? That, the select committee having done their work well, it should not be canvassed in too critical a spirit. The only inference to be drawn from that behaviour was that the honorable member was more in favour of the Bill than any one in the Chamber, except perhaps the honorable member for Rodney (Mr. Gillies). (Mr. Kerferd—"Whatever I do for the Bill, it is without fee or reward.") He (Mr. Fisher) never imputed to the honorable member any motive of the kind alluded to.

Mr. ZOX considered that the honorable member for Mandurang (Mr. Fisher) was evincing a decided disposition to harangue the House on every question, whether he understood it or not. As for the report of the Standing Orders Committee, he (Mr. Zox) would support it, because undoubtedly the Tramway Company's Bill would never have been brought in had it been supposed possible that the time appropriated for its discussion under the standing orders of the House would be suddenly curtailed. The amendment was negatived.

The report of the Standing Orders Committee was then adopted.

PARLIAMENTARY COSTS.

The SPEAKER.—Section 16 of the Parliamentary Costs Act empowers the Speaker to appoint a taxing officer, and formerly that office was held by the late Clerk of the Assembly. The present Clerk, however, for probably very good reasons, feels unwilling to accept the position. I think that, if the House has no objection to the course, it would be proper to make the Prothonotary of the Supreme Court the taxing officer.
He would be well qualified to perform the duties of the post. Two or three cases await taxation.

Sir B. O'LOGHLLEN said there was some doubt whether the taxing master ought not to be an officer of the House. Perhaps, if the Clerk felt a difficulty in accepting the post, it would be well to confer it upon the Clerk-Assistant.

The SPEAKER.—The Clerk-Assistant has also objections to taking the position. Perhaps, however, the matter had better receive further consideration.

MESSAGES BETWEEN THE HOUSES.

On the order of the day for the consideration of the report of the Standing Orders Committee on this subject, presented the previous day,

Sir B. O'LOGHLLEN moved—

"That the resolution agreed to by the Standing Orders Committee be adopted as a joint standing order."

The motion was agreed to, and the resolution was ordered to be transmitted to the Legislative Council with a message inviting their concurrence therein.

PARLIAMENT HOUSE.

STONE FOR WEST FRONT.

The House having resolved itself into committee,

The debate on Mr. Gillies' motion for the adoption of the report of the select committee upon "the apparent difficulty of obtaining a sufficient quantity of suitable stone from the quarry at Mount Difficult for the erection of the front of the Parliament building" (adjourned from the previous day) was resumed.

Mr. GILLIES.—Sir, in continuing my remarks in support of the report of the select committee, there are only one or two other points to which I wish to direct the attention of honorable members. I want to show that, if the Stawell stone is adopted without further inquiry, in the opinion of competent witnesses, there will be a very considerable risk, and, to show that the risk is not an imaginary but a real one, I would refer the committee again to the evidence of Mr. Finlay. In asking Mr. Finlay question 468, I said—

"I want to bring you back to the starting point, to understand the point that I wish to bring out more clearly. I am not speaking of cutting a gullet to develop a Victorian industry, and showing what can be had, I am speaking of the use of that stone for the building of the front of Parliament Houses. In view of the knowledge that you have since acquired as to the characteristics of this stone, if this gullet were cut in and you saw evidence of good stone on each side of it, would you feel so convinced that you would be able to get sufficient stone of size, quantity, and quality as to justify you in saying—"We can get good stone, and I will recommend it for Parliament Houses?"

Mr. Finlay's answer was "No." I asked "Not even then?" and he replied—

"No; whilst most anxious that a good freestone should be obtained in Victoria, I feel the grounds for doubt in this case are too strong, my responsibility too serious, and the question far too important to give any other answer."

Mr. BERRY.—Then what is the use of a gullet?

Mr. GILLIES.—If the honorable member reads the evidence through, he will find that nearly all the witnesses, whether favorable or almost unfavorable to the stone, agree in the opinion that, before taking any further action, more evidence should be obtained as to the reliability of the stone.

Again, Mr. Finlay gives the following evidence:

"From all you know of the stone up to the present moment, do you consider that there would be no unreasonable risk run if this stone were adopted as a stone of the Parliament Houses?—There would be a risk."

"Is it a risk that you would consider attendant upon all stone?—It would be beyond the ordinary risk. I beg to repeat that, whoever has charge of this building, there should be no doubt at all upon his mind. If he has any doubt at all, he should take the benefit of the doubt."

I would remind honorable members that that is the opinion of an officer who was one of the very first to recommend this stone. Similar evidence is given by Mr. Webb, the architect, as in the following question and answer:

"In fact, if your advice were to be asked, would you advise that that (the gullet) should be put in? You see it is an untried stone. It is rather a hazardous thing, on an important building, to use an untried material. This is a new quarry, and experience does not come to our assistance, the stone not having been used in a building for any long time. In adopting a new material like this, there ought to be several experiments tried upon it—chemical experiments as to the chemical composition of the stone, and then comes the question as to whether it can be got in quantity and size. I should not be disposed hastily, just simply on my own judgment, to come to a definite conclusion."

I may also quote the following extracts from Mr. Terry's evidence to the same effect:

"Then from what you have seen of the stone, would you advise that it is a stone that you think ought to be put in a permanent building?—I should advise that the matter were looked into further; first, that a gullet might be cut, or some method taken, for we cannot see far into the future; first, that a gullet might be cut, or some method taken, for we cannot see far into the face of the mountain."

"In the committee, then, to understand that your general opinion is that, before finally concluding that a stone of the quality and quantity is obtainable there, some further thing should
be done to the quarry in the way of putting in a gullet or something of that kind?—Yes, I think it would be very desirable."

The evidence of Mr. Johnson, the architect, on the subject is as follows:—

"If you had some delicate work to put upon some of those stones, what would be the effect if you came across any of those clay veins?—It would be very detrimental, I should say."

"Or that the pipes will veins?—Yes; if you could not keep clear of them there is no doubt about it in my mind they would be very detrimental."

"Do you think you have sufficient experience or knowledge of this stone to say whether that is likely or not?—No, I think not."

"Do you think it would be advisable to open up the quarry any further than it is opened up at present, or simply to take the stone from the sample bed, go on taking it from the bed that is exposed?—I think it would be a very desirable thing to ascertain what resources they have got inside the face."

"In what way would it be—by opening with a gullet or not?—Yes; that seems to be the proper way."

"Before going up the gullet or not?—Yes; I think it would be a very excellent thing to do; it would settle certain matters, perhaps, that are now matters of conjecture as to the quality of those inner portions."

I may say that, although there were some differences of opinion on other points, the select committee were unanimous in recommending that a gullet should be put in for the purpose of further testing the stone. It is pointed out in the report that a considerable time ago, before the tramway was made, the board of which Mr. Leggat was chairman recommended that this work should be done, and it would have been well if their recommendation had been followed.

The recommendations of the committee on this subject are as follows:—

"The committee therefore recommend that a gullet be put in the quarry, under the direction of the Public Works department."

"By adopting this course not only will the character of the stone to be found in the quarry be conclusively ascertained, but also whether an unusually large proportion of the stone quarried would require to be rejected as being unfit. Until this latter point is known, the usefulness of the stone for practical purposes will remain undetermined."

"It is in evidence that the board of which Mr. Leggat was chairman suggested, in a progress report in 1878, that this work should be done, but that, for want of sufficient funds, it was not carried out. The estimate of the cost of the work, which has been submitted to your committee, is $700; and the time to be occupied in the work about four months."

"It is the opinion of your committee that the work should be undertaken at the cost of the Public Works department."

Now, if it is desirable that a gullet should be put in to ascertain what is really in the quarry, it is perfectly certain that we cannot possibly conclude, up to the present moment, that the suitability, fitness, and in every sense desirability of this stone for Parliament House has been definitely ascertained, because, if it were, of course there would be no necessity for putting in the gullet. I think I may say that that view is accepted even by those members of the committee who do not agree with some other portions of the report. If honorable members refer to the amendment which the honorable member for Emerald Hill (Mr. Nimmo) moved on a portion of the report, they will find that that view—namely, that up to the present time it has not been conclusively ascertained, beyond any reasonable doubt, that there is sufficient stone in the quarry suitable for Parliament House—is the very character of the amendment. The portion of the amendment referring to this point is as follows:—

"Under these circumstances, your committee recommend that the Government should at once take steps to have such gullet cut in the face of the rock as will settle the question."—

Mr. NIMMO.—Read the amendment from the beginning.

Mr. GILLIES.—I do not want to begin at the beginning of Genesis and read to the end of Revelation. I have read the only portion of the amendment that refers to the subject I am now discussing.

Mr. NIMMO.—I rise to a point of order. Honorable members are being misled by an imperfect quotation.

The CHAIRMAN.—There is no point of order. The honorable member for Emerald Hill (Mr. Nimmo) will have an opportunity of reading the whole of the amendment himself.

Mr. GILLIES.—If it will please the honorable member, I shall be happy to read the whole of his amendment. It is as follows:—

"While your committee have no grounds for believing that a sufficient number of stones suitable for finishing the Parliament House could not be obtained from Mount Difficult, they at the same time cannot shut their eyes to the fact that Mr. Amess, who signed a contract in March, 1881, to complete the west front of the Houses referred to, with stone from the above-named mount, has suspended operations, on the ground that the quarrymen cannot furnish him with stones from that mount equal to the sample blocks. Under these circumstances, your committee would recommend that the Government should at once take steps to have such a gullet cut in the face of the rock as will settle the question as to whether stones of the size and quality provided for in Mr. Amess' specification can, with ordinary labour and care, be obtained from Mount Difficult."

I do not think any rational interpretation can be put upon that amendment other than that we have not yet obtained the information whether stones of the size and quality provided for in the specification can be

Mr. GILLIES.
obtained from Mount Difficult, and that, in order to obtain that information, a gullet should be put in.

Mr. LANGRIDGE.—It does not necessarily follow.

Mr. GILLIES.—I maintain that the amendment, which was supported by the honorable member for Collingwood (Mr. Langridge), sets out not only that a gullet should be put in, but that the reason why it should be put in is in order to ascertain information which has not yet been ascertained. It will take a considerable amount of that ingenuity and dialectic skill for which the honorable member for Emerald Hill (Mr. Nimmo) will become famed to interpret it in any other way. It must be remembered, too, that the amendment was moved when the honorable member had had all the information which the evidence could supply, so that, after all the evidence had been taken, he was compelled to come to the conclusion that the information supplied did not justify the committee in finding that there was stone at Mount Difficult of the necessary size, quantity, and quality for building the west front of Parliament House. Now it may be said that the Government ought not to be expected to spend the public money in developing a quarry which is leased to a private company, and probably may be used for the benefit of that private company. But I am sorry to say that it is now too late to consider that point. The Government, and through it the country, have a large interest at stake. About £20,000 of the public money has been expended in constructing a tramway to the quarry. If there are to be no further explorations in the quarry, then I venture to say that we must take Mr. Finlay’s evidence, and say that it would be madness to attempt to go on building the west front of Parliament House with the knowledge that we have acquired of the character of the stone up to the present. If the Government say they are not prepared to put in this gullet, I answer that it is impossible to build Parliament House of this stone without doing so, and, beyond all question, that is the evidence of nearly every witness. It is the united opinion of the committee, however they may have differed on other points, that this work must be done in order to develop the quarry.

Mr. C. YOUNG.—Done by whom?

Mr. GILLIES.—By the Government, on the ground I have already stated—that the Government, representing the country, have a stake of at least £20,000 in developing the quarry.

Mr. C. YOUNG.—The contractor has a stake.

Mr. GILLIES.—The Government have a stake over and above that of the contractor. Without ever having used the quarry they have spent £20,000. Moreover, was the tramway constructed only for the purpose of this one contract? I venture to think that, if the quarry is a good and useful one, it may supply stone for years to come for other public buildings as well as Parliament House. But, apart from that, it is the interest of the Government to develop a work in which they have an immediate stake to the extent of £20,000. Unless something is done to develop the quarry, they might as well lift the tramway to-morrow; and, therefore, I maintain that, apart from the contract altogether, the Government have a sufficient interest to justify them in putting in the gullet as soon as possible. Another point naturally forced itself on the attention of the committee in connexion with the question—namely, that if it be the duty of the Government to put in this gullet, and at their own cost, the object must be to ascertain whether, as a matter of fact, the contract can be carried out at all, and hence it follows that the Government are bound to relieve the contractor of his present responsibility.

Mr. WOODS.—Ah, that is the real point.

Mr. GILLIES.—I confess that it is difficult, perhaps, to say what was exactly the limit of the inquiry that was referred to the committee.

Mr. WOODS.—Quantity and quality.

Mr. GILLIES.—I think it was a good deal more. The question to which I am now alluding naturally arose out of the subject which was referred to the committee, and, if they were justified in reporting as to the desirability or otherwise of putting in a gullet, then the question naturally arose as to how the contract should stand during the four months which, in all probability, would be occupied by the Government in cutting the gullet. If the desirability of the Government putting in the gullet is admitted, I maintain that there is no getting away from the conclusion that the contractor should be relieved from his contract, because, as the committee say—

"To keep the contractor to his contract while the Government is doing work which is practically to determine whether it is possible for the contract to be carried out appears to your committee unadvisable."

Mr. MIRAMS.—That is a question for the contractor himself to ask.
Mr. GILLIES.—No doubt, but it is also a question which naturally forced itself on the consideration of the committee, and, therefore, it is not unreasonable that the committee should offer advice on the subject. Of course it will be at the option of the House to accept the advice or not; but to me it appears conclusive that, if the Government are going to do work which has practically for its object to ascertain whether it is possible to carry out the contract or not, the Government are bound to relieve the contractor. Suppose, for instance, that, by means of the gullet, it was ascertained that stone suitable for Parliament House could not be obtained at this quarry, what position would the Government be placed in if the contract was still in force? Would they not occupy a much more serious position than if they and the contractor mutually agreed to annul the contract before opening the gullet? I confess that, in view of all the difficulties in connexion with this stone, and the evidence given before the committee, the opinion pressed itself strongly on my mind, as it did on the minds of a number of the witnesses, that if we are prepared to go on and construct the west front of Parliament House with the stone we shall be undergoing a very considerable risk. Now I think that if the people of the country are prepared to incur such a large expenditure as the building of the front of Parliament House will involve—something approaching £200,000—they are justified in expecting that Parliament will not incur such a liability subject to any risk whatever. There should be no risk run in undertaking a work of this kind, and the evidence shows beyond question that, as far as our present information goes, there will be a great risk in using the Stawell stone. There is no obligation whatever on Parliament to undertake any such risk; on the contrary, I maintain that Parliament ought to be careful to make no mistake in the matter. As the committee point out, it is not indispensably necessary that the front of Parliament House should be built of freestone.

Mr. LANGRIDGE.—This House decided that it should be so built.

Mr. GILLIES.—I quite admit that, but surely the House is as amenable to reason now as it was when it came to that decision. In coming to that decision, the House went on the best evidence it could obtain at the time. I ask it to go upon evidence now, and I contend that there is sufficient evidence attached to the report of the committee to show that the House would take the responsibility of incurring a very serious failure if it still adhered to its former conclusion. That is the evidence of men who formerly strongly recommended the use of the stone; and I repeat that the country is justified in expecting that Parliament will run no risk in the matter. Mr. Finlay, Mr. Newbery, and other witnesses say that it is impossible to tell what proportion of the stone would require to be rejected before getting suitable stone for Parliament House. I could understand a strong argument being raised against the evidence of those gentlemen if they had been always opposed to the use of the stone; but the remarkable fact is that it was mainly through the evidence and instrumentality of some of those gentlemen that the stone was originally recommended to be used. Now, on further information and better evidence, they say in the plainest and most unmistakable terms that no inconsiderable risk will be run if the stone is used. Why should it be concluded beyond all question that freestone is the only stone in the colony with which to build the west front of Parliament House? Although the committee were not called upon to take evidence with reference to the best stone that could be used, it is within the knowledge of every one in the community that there is in the colony a stone that for character, quality, suitability, and certainty of endurance is not to be equalled anywhere, and that is our granite. I venture to say that there would be no objection in the mind of any one in the community if Parliament, instead of running any risk of failure, determined to build the front of Parliament House with granite. Built with such stone, Parliament House would be a structure magnificent in its grandeur and a credit to the colony.

Mr. LANGRIDGE.—No architect would recommend it.

Mr. GILLIES.—I venture to say that hosts of architects will recommend it, and contractors too, although it would not be to their interests to do so. I have heard, in Sydney, contractors of good position say that if they had any interest in the building of our Parliament House they would recommend us not to go to another colony for any kind of freestone, but to use Victorian granite. Why should we run the risk of a similar thing occurring with regard to the west front as has occurred with regard to the front of the Library? I venture to say that the stone in the Library front, which came from Bacchus Marsh, reflects no credit whatever on those who selected it. Nearly every stone has had to be taken out and
replaced from time to time. Surely we do not want that kind of thing reproduced. Surely it would not reflect credit on the House if it determined to try another experiment of the kind. An experiment the use of the Stawell stone must be, because we have it on the testimony of the most competent witnesses that the use of the stone for the building of the west front of Parliament House would be a risk, and I repeat once more that is a risk which we are not called upon to undertake. The serious responsibility is now cast upon the Assembly of saying whether, in view of all the difficulties connected with the use of the Stawell stone, and the large expenditure to be incurred, they are determined to run the risk of using that stone, or whether it would not be far better, safer, and more creditable to the future interests of the colony to adopt, say, granite. However superior the Stawell freestone may be in some respects, as no doubt it is, at the same time it is a stone about which we have had very little experience, and a stone certainly not so reliable as we would like to have.

Mr. C. YOUNG.—Sir, if the report of which the honorable member for Rodney has moved the adoption had recommended that the Grampian freestone should not be used in the construction of the west front of Parliament House, I could have understood the honorable member's speech. The honorable member condemned that stone and recommended granite, but nothing of the kind is mentioned in the report. It is just because that important element is wanting in the report that the Government cannot vote for its adoption. If the stone was condemned, it would follow as a matter of course that the contract would be annulled, but the paradoxical character of the report is that while not condemning the stone—in fact, the committee recommend that the Government should spend £1,500 in prospecting the quarry—it recommends that the contract should be cancelled, but the paradoxical character of the report is that while not condemning the stone—in fact, the committee recommend that the Government should spend £1,500 in prospecting the quarry—it recommends that the contract should be cancelled. If the stone is not condemned, why should the contractor be let off his contract? The honorable member for Rodney has at great length cited from the evidence given before the committee, and among other evidence he has quoted from that of Messrs. Webb, Terry, and Johnson. I cannot object to their testimony, because when the Government were in doubt as to what pressure should be brought to bear on the contractor I selected the same three architects, who are at the top of their profession in Melbourne, to visit the quarry and report on the stone. They were asked to give their opinion as to the suitability or otherwise of the stone, and as to whether it could be obtained in sufficient quantity for the construction of the west front of Parliament House. I will read one short paragraph from their report, and I venture to say that it entirely upsets the quotations which the honorable member has read from their evidence. It is as follows:—

"In our opinion the Mount Difficult stone possesses excellent qualities, and is suitable for the purpose required."

I think that opinion, given calmly, coolly, and deliberately, is of more value than any answers elicited in the course of a long series of questions by a committee.

Mr. MIRAMS.—Is that the report they got paid for?

Mr. C. YOUNG.—Yes, and I presume that it is of more value in the honorable member's eyes because it was paid for. I maintain that the opinion given in that report is incontrovertible.

Mr. KERFERD.—When they were examined before the committee, was their attention called to that report?

Mr. C. YOUNG.—I don't know. I refer to their report because it was sent in to me, and upon it I acted, and am bound to act now. The honorable member for Rodney also quoted at great length from the evidence of Mr. Finlay. Mr. Finlay is an officer of the Public Works department, and I do not wish to cast the slightest discredit upon his evidence, but I would point out that he is not a stonemason, and his opinion is not to be taken against that of practical masons. Mr. Thomas Smith, inspector of masonry in the Public Works department, is a practical mason, and holds his position in the public service because he is a judge of stone and of masons' work. He was examined before the committee, and I will read the following extracts from his evidence:

"Do you think that the bed from which the sample block was taken, and the bed below it, show sufficient indication to persons visiting the quarry to justify you in believing that you could get stone of sufficient quantity, size, and suitability to place in the Parliament Houses?—I think so."

"May I ask you whether you would be prepared to recommend to the Government, as an officer of the Public Works department, the desirability of accepting the stone that you saw up there, from those two parts of the quarry, and placing it in the Parliament buildings—whether you feel so confident of the correctness of the opinion you express of the suitability of that stone in every respect that you would be quite prepared to express a confident opinion that the stone is there in size, quality, suitability, and otherwise?—Yes, I should say so."
"Taking the stone as you see it here, do you consider a fair trial has been given; judging from the stone that has been sent down from the quarry, and the few stones that have been worked; do you consider that a fair trial for the stone of the quarry?—No, I do not."

I will ask honorable members to recollect the last reply, because it has an important bearing upon a subject to which I intend to call the attention of the committee later on. Mr. Smith was also asked—

"You have no doubt in your own mind, if that quarry was properly opened, stones could be obtained sufficient for the Parliament Houses?"

To which his reply was—

"Yes, from two or three adjacent beds."

That is the opinion, not of a carpenter, or a worker in wood, which is Mr. Finlay's business, but of a practical mason, who is capable of judging stone. We have been told of the great quantity of stone which would have to be taken out before a sufficient quantity of the proper quality could be obtained. But the following is Mr. Smith's evidence on that point:

"What would be the proportion of stone that you would consider fit to be used for the Parliament Houses as to the stone rejected—what proportion would you recommend against what you would reject—would there be a quarter?—In the quarry or the shed?"

"In the quarry?—I think three-quarters of the stone in the two beds I mention would be fit for the building."

Thus the opinion of the man who, as inspector, would have to pass the stone, is that three-fourths of it would be fit for use. I will now ask the attention of honorable members to the report of the board which I appointed to examine the quarry in April last, when I was officially informed that the contractor was not making progress with the work. Mr. J. Cosmo Newbery, upon whose evidence the honorable member for Rodney relies for condemning the stone, was chairman of the board, and the other members were Mr. Reginald A. F. Murray, geologist; Mr. Reuben Corben, Mr. Peter Finn, Mr. William Beardall, Mr. William Blyth, and Mr. George Chambers. The five last-mentioned gentlemen are all, I believe, practical masons. Mr. Finn belongs to Sandhurst. He works in granite, he lives in granite country, and, if he has any predilection for any stone, it is to be presumed that he would desire to see granite used for the completion of the front of Parliament House. These gentlemen were asked to visit the quarry, and their instructions are contained in the following memorandum, dated April 19, 1882:

"Memo. for the Chairman of the Board on the Stone for Parliament House.

Mr. C. Young.

"The points upon which the honorable the Minister wishes the board to examine and report are as follows:—

1. The sample stone or stones now in Parliament yard referred to in the present contract.
2. The stone, dressed and undressed, lately brought by the contractor to the works at Parliament House: whether they are equal to the sample stone or stones, and generally as to their suitability or otherwise.
3. As to the quarry at Mount Difficult: whether from an inspection of the same and adjoining ground there are evidences of stone equal to the sample, and of the dimensions, being able to be obtained, and in sufficient quantity for the work, and generally on the whole state of the quarry, and stone as yet exposed in the same."

I do not think that a more clear and distinct issue could have been submitted to the gentlemen who composed this board. They knew what the matter in dispute was, and they knew that the opinion which they expressed on the subject was sure to be canvassed. They were, therefore, bound to be precise in their investigation. After making an exhaustive inquiry on the spot, the board presented a report, from which I will read one or two passages, as they have an important bearing upon the recommendation of the select committee that the contract with Mr. Amess should be cancelled. The board said—

"Most of the stone sent to Melbourne recently must have been selected from the softest rock exposed."

Mr. GILLIES.—That is against the evidence given before the select committee.

Mr. C. YOUNG.—It is confirmed by the following extract from the evidence of Mr. Amess himself:

"How long after you went into this contract with them was the tramway finished?—I think somewhere about the end of last year or the beginning of this year. I never got notice that the tramway was finished. I visited the quarry, I think, about the 3rd of December, and I found a large quantity of stone quarried on the upper bed, but a great portion of it was unsuitable for the work, in consequence of bad colour that was in it. I informed the manager that that description of stone would not answer for this work. I then inspected, along with him and the foreman of the quarry, the different beds that we could see. I suggested to go down into the deeper beds, where I thought there would be better stone found, and it has turned out to be so—much cleaner."

It was also much softer. The quarrymen told me that the stone sent to Melbourne was softer, and that it was sent because it was whiter than the other. I expressed surprise that they should have sacrificed hardness for whiteness in selecting the stone, and they informed me that Mr. Amess told them to send down that stone because it was whiter. It is not to be wondered at that the board appointed to inspect the quarry arrived at
the conclusion they did, for here is the reason of it: the quarrymen sent down softer stone —white stone—and they did so at the request of Mr. Amess.

Mr. WOODS.—It is a fact nevertheless. I know it to be so.

Mr. C. YOUNG.—It is not in evidence, and I would not mention what the quarrymen told me but for the fact that it is corroborated by the testimony of Mr. Amess, which I have already quoted. The board further reported—

"We must say, however, that it was only after careful search through the quarry and blocks on the ground that we found stone as bad as some of that sent to Melbourne."

The board had actually to search the quarry to find stone as bad as that which was sent to Melbourne.

Mr. GILLIES.—That is not in evidence.

Mr. C. YOUNG.—I am giving the evidence of the board, the chairman of which was Mr. Newbery, the very man upon whom the honorable member for Rodney depends to justify the report of the select committee. The board was composed of the best experts who could be found in the colony.

Mr. WOODS.—They were worth 20 such committees as the one whose report is now before the House.

Mr. C. YOUNG.—I will read the last paragraph of the board’s report:

"In this, as in all other quarries, there is worthless as well as good stone; but from what can be seen in the quarry and adjacent ground, we are confident that, with the exercise of skill in quarrying, and due care in the selection of the quarried blocks, stone can be obtained from the Mount Difficult beds equal in quality and colour to the samples, of the required dimensions, and in the necessary quantity."

In the face of this report, supported as it is by the opinion of three of the best architects in Melbourne, how can the Government cancel the contract? The select committee condemn the stone to a certain extent, but of the only way in which their condemnation could be of any value, namely, by advising that the stone should be rejected, the report of the committee says nothing. How can the honorable member for Rodney ask the Government to cancel the contract when he does not actually condemn the stone? I desire to say a word about the gullet. How the committee could be unanimous in recommending that a gullet should be cut into the quarry is certainly beyond my comprehension. What induced the committee to make such a recommendation I cannot possibly conceive.

Mr. WOODS.—The gullet was to enable the quarry to be worked more easily.

Mr. C. YOUNG.—The Government should not have been asked to make a gullet either for the quarry lessees or the contractor. The particular quarry referred to belongs to private individuals, and how any honorable member could ask the Government to spend £1,500 in prospecting it I cannot conceive.

Mr. KERFERD.—You might as well ask why the Government specified that this stone was to be used.

Mr. C. YOUNG.—It was the contractor’s business not only to provide the stone, but to find the quarry where it was to be obtained. When tenders were called for the work the following notice was issued to persons who desired to tender:

"The following information is given for the use of intending contractors, but it is not to form part of the contract. The stone specified to be used in the work may be obtained from any quarry or quarries in the vicinity of Mount Difficult that the contractor may make the necessary arrangements either to open or to be supplied from, provided it is equal to the samples referred to in specification."

The Government did not point to any particular quarry, and say that the contractor must obtain the stone from that quarry, and from no other. He was to be at liberty to obtain the stone from any part of Mount Difficult or its vicinity.

Mr. WOODS.—From anywhere in the whole face of the range.

Mr. GILLIES.—No, no. This was the place, and to this place—Watkins’ quarry—the tramway was made.

Mr. C. YOUNG.—The fact of the tramway being made to the only quarry open is no proof that the tramway would not have been taken to any other quarry which the contractor selected. If Mr. Amess had opened a quarry 200 yards or a quarter of a mile beyond this particular quarry, and the Government had refused to continue the railway to that point, he might have had just ground for complaint; but, under the circumstances, he has no ground for complaint. I will call attention to another clause of the instructions issued to intending contractors:

"Intending contractors are to inform and satisfy themselves thoroughly and completely as to where the quantity and quality of stone required for the work can be obtained, and how conveyed to the site of building, as the board will not be responsible in any way whatever in regard to the above matters."

What can be more clear than this? It is evident that the contractor was not limited to this particular quarry, but that he could go to any other part of Mount Difficult or
its vicinity. Assuming, for the sake of argument, that he could not find the required quantity of stone in that particular quarry, surely it was his duty to open up and test another quarry at his own expense. It was not for him to sit down and look for stone to suit him; and then for him to get a soft good-natured committee of this House to recommend that the Government should release him from his contract and spend £1,500 in doing what he ought to do himself. Mr. Amess has not spent one shilling in looking for stone, he has made no effort whatever to open another quarry, and yet the Government are asked to release him from his contract, to spend £1,500 in developing another quarry, and then to let a fresh contract. The committee’s recommendation is the most remarkable one I ever heard in my life. I will read some letters for the purpose of showing distinctly how the case stands between Mr. Amess and the Government. On the 29th May last, Mr. Amess wrote as follows, in reply to a letter from the Inspector-General of Public Works, pointing out that no progress was being made with his work at Parliament House:—

“I wish to state that I have entered into a contract with the lessees for supplying all stone required for the erection of the west front of Parliament House, and in doing this have been guided by the fact that the Government had stipulated in the lease granted for the quarry that suitable stone was to be supplied for all Government buildings, and the clause therein I think specially applies to my contract. I feel I have been carrying out the intention of the Government in treating with the present lessees of the quarry to which a railway has been constructed.”

Two days before the date of this letter a communication was sent to Mr. Amess by the secretary of the Stawell and Grampians Freestone Quarry Company to the following effect:—

“I am instructed by the directors of the Stawell and Grampians Freestone Quarry Company, Limited, to offer you their quarry, as it now stands, to enable you to quarry whatever stone you may require for the building of the front of Parliament House free of cost. The only condition required is that you will agree to leave the quarry in good working order when you have obtained the required quantity of stone for the building.”

On the 5th June, in reply to a letter from the Inspector-General of Public Works, pointing out that there was no reference whatever in the contract to any particular quarry, and that the stone could be supplied from any part of Mount Difficult, Mr. Amess wrote as follows:—

“I can only state that, when tendering for the erection of the west front of the Parliament Mr. C. Young.
Mr. Amess would have made no concession to the Government on that account; and I do not see why the Government should cancel his contract under the existing circumstances. Until he has made some fair and bona fide efforts to discover suitable stone, and has proved that there is none to be obtained at Mount Difficult, it would be monstrous to relieve him of his contract which he obtained by competition. The Government ought not to be involved in a large expenditure merely to relieve him from a difficulty. He was warned of the difficulty which he might have to encounter. Debates took place in Parliament on the subject, reports were published, and he was cautioned in various ways to take every precaution to assure himself that sufficient suitable stone could be obtained. Until it was fully proved by proper steps taken at his own expense, and not at the expense of the Government, that there was not sufficient suitable stone at Mount Difficult, Mr. Amess had no right whatever to ask the Government to relieve him from his contract.

Mr. LANGRIDGE.—Sir, the speech of the Minister of Public Works will enable me to make my remarks shorter than they would otherwise have been, as the honorable gentleman has gone on a good deal of the ground that I intended to take up. I, however, feel bound to make some observations, because, when I was Minister of Public Works, I let the contract for the completion of the west front of Parliament House, and also for the construction of the tramway to the quarry at Mount Difficult, and, consequently, I am specially interested in the question under discussion. Indeed, if the report of the select committee was adopted, it would be a sort of reflection on myself. I think, however, that my career in this colony for thirty years, during which I have occupied various public positions of trust, will justify the belief that, if I had not considered the Mount Difficult stone suitable for the completion of the west front of Parliament House, I would have been one of the first to have said so. I must compliment the honorable member for Rodney (Mr. Gillies) upon the way in which he put the report of the select committee before honorable members, and the exhaustive manner in which he dealt with the evidence. I hope that no personal feeling will be introduced into the matter. It is unfortunate that the contractor's name has been mixed up with the report at all. The select committee were appointed to inquire into and report upon "the apparent difficulty of obtaining a sufficient quantity of suitable stone from the quarry at Mount Difficult for the erection of the front of the Parliament building." The committee were not appointed to inquire as to the propriety of relieving the contractor from his contract. Before dealing with the report, I will ask honorable members to consider for a moment the class of stone which has been used in the erection of the public buildings of Melbourne. Is there one of those public buildings which is likely to last for ages? So far as workmanship is concerned, they will compare favorably with public buildings in any other part of the world. It is not difficult to adduce proofs of this fact. The Library front of Parliament House possesses architectural beauties which are hardly equalled by any other building in the world. The design is one of the most beautiful ever seen, but the material is of the most wretched character. Perhaps no other large public building was ever constructed of such bad material. Again, the new law courts are not yet out of the contractor's hands, but the stone already presents visible marks of decay. In that building, however, is to be seen some of the most beautiful workmanship that could possibly be executed in freestone. There is scarcely a single public building in Melbourne which is not to be regarded as a creditable specimen of our architecture and workmanship; but in many cases the material is of most inferior quality. In connexion with the erection of the Post-office, which may be taken as one of the best constructed of our public buildings, nearly as much stone was rejected as was used. Honorable members will recollect that no sooner were the contracts for the completion of the west front of Parliament House and the construction of the tramway to the quarry at Mount Difficult accepted than a debate took place in the Assembly on the subject, and an endeavour was made to stop the work. The debate occurred in April, 1881, and was initiated by the late honorable member for Boroondara, Mr. Murray Smith. Singular to say, too, a great number of the leading journals displayed considerable animosity against this stone being used for Parliament House. Reports and letters appeared in several of the journals, and altogether strong objection was taken to the use of the Stawell stone. Persons who were supposed to be experts were sent up to Stawell, and they reported that similar stone used for the local courthouse was of a most inferior description and unsightly. I was perfectly astonished when I saw that building. There is not another
court-house in Victoria that will compare with it as far as the material of which the building is erected is concerned. Of course for such a small building a contractor could not be expected to overhaul a whole quarry to procure the best stone, but some of the finest freestone to be seen in Victoria is in that building. One of the most curious things in connexion with the report of the select committee is that, though the Mount Difficult stone has been reported on in the highest terms by experts—by masons, architects, chemists, and other competent judges—honorable members are now asked to condemn it on the report of a non-professional committee. The first report on the stone in the archives of the Public Works department is by Mr. G. F. H. Ulrich, mining geologist, who said—

"In conclusion I beg to state that, after considering the various points bearing upon the suitability for important building purposes of the stone of the different places described, I have formed the opinion that the one of Watkins' quarry, near Stawell, stands first, as well on account of its uniformity in colour and softness for dressing, as also its resistance to atmospheric influences. For, as regards this latter point, Mr. Cosmo Newbery informed me, since the foregoing was written, that the sample stone from the quarry under notice, exposed in the yard of the Technological Museum Laboratory, has proved superior to any other Victorian stone under experiment. I therefore beg to advise that this quarry be opened in the manner previously indicated."

A board was subsequently appointed to inquire into the question of providing suitable stone for the completion of Parliament House. Its chairman was Mr. James Leggat, a gentleman well known as having been largely engaged in contracts for the supply of freestone, and Mr. P. Kerr, Mr. William Finlay, and Mr. Cosmo Newbery were amongst its members. The report of this board contains the following remarks, originated by Mr. Newbery, on the various kinds of stone upon which the board had to form an opinion:

"From observations made in the quarry now supplying material for the Stawell court-house, and from careful examination of the extensive openings made under their directions, they have concluded that this locality is the only one visited by them that is capable of yielding the quality and quantity of stone required for the construction of the new Parliament Houses."

The report also says in another place—

"Still there can be no comparison so far as the durability of the work is concerned, the Stawell stone being far superior to any imported freestone known to be used in Melbourne. We also think it of sufficient importance to note that freestone from Stawell will not be subject to the chance of absorption of salt water to which imported stone is so liable in its transshipment. This being difficult of detection when being used, must, more or less speedily and certainly, bring about the defacement and deterioration of a building. Fair samples of the Grampian stone may be seen at the Museum, or in large blocks worked in various ways in the Parliament-house yard."

I fail to see, after reading the terms of this report, how any one can arrive at any other conclusion than that the Assembly was very wrong in appointing a select committee to go over the same ground again. The question in 1880 came before a Royal commission composed of members of both Houses, and a portion of their report was read last night by the honorable member for Rodney. By virtue of my position as Minister of Public Works, I was appointed chairman of the commission, the other members being Sir W. H. F. Mitchell, Sir Charles Sladen, and Mr. C. J. Jenner, members of the Legislative Council; and Mr. Zox, Mr. Woods, and Mr. Patterson, members of this Chamber. Their report is dated September 21st, 1880, and runs as follows:—

"May it please Your Excellency, "The Royal commission appointed to superintend the carrying out the recommendations of the joint select committee appointed to inquire into the extent and character of the proper accommodation required in the Parliament buildings, as embodied in their report, dated 19th December, 1876, and sanctioned by both Houses of Parliament, and also to consider new questions in connexion with the work as they arise, such as internal arrangements and decoration, have the honour to report to Your Excellency:—"

"1. That we consider it desirable that the Stawell stone be used for the completion of the Parliament House, and that tenders be at once called for the erection of the west front and dome."

"2. In order to facilitate the carriage of the Stawell stone to Melbourne, a tramway should be constructed from Stawell to Mount Difficult, in the Grampian ranges."

This report was afterwards adopted by resolution of the House in April, 1881, and it was upon this, and upon the strength of other information, that I accepted tenders for the erection of Parliament House with Stawell freestone, and also for the construction of a tramway from Stawell to the quarry in the Grampian ranges. I do not think any one can charge me with having done anything which I was not fully warranted in doing, because I simply carried out the orders of Parliament. The piece of ground which was selected for the purpose of opening a quarry is very extensive, and will admit of other quarries being worked if it is necessary to do so in order to get the required quantity of stone.

Mr. GILLIES.—The contractor is bound to deliver the stone at a certain price.

Mr. LANGRIDGE.—In the statement of facts connected with the different inquiries
which is included in the report of the select committee, I find the following:—

"In December, 1878, a lease of the land (from which it was subsequently recommended that stone for building Parliament House should be taken) was granted to a company for a period of 21 years, subject, inter alia, to a condition that they should supply 'out of the promises demised' and the 'quarries opened or to be opened' such stones 'of all sizes' to be used in any building undertaken by or on behalf of the Government, at a rate not exceeding one shilling per cubic foot, except for stones of extraordinary size."

This condition applied to the stone obtained for all buildings, but it was evidently liable to modification in particular cases.

Mr. GILLIES.—There is a special notification in this case. Read the 6th paragraph of the report.

Mr. LANGRIDGE.—The paragraph is as follows:—

"Tenders for building the west front of Parliament Houses were invited on 10th December, 1880. Intending contractors were informed of the condition inserted in the lease granted for a freestone quarry site at Mount Difficult, although it was also notified that the Board of Land and Works would in no way be responsible in the matter."

There is also another report that, in my opinion, is one of the most important which has been prepared in reference to this question. It was drawn up by another board—the fourth or fifth which visited the quarry and examined the stone—and has already been referred to by the Minister of Public Works. Among the members of the board were Messrs. Corben, Newbery, Beardsall, Blyth, and Chambers, all of whom were experts, and the select committee had the report before them. It was decidedly in favour of the Grampian freestone as a building material for Parliament House, and yet in the face of it, and in face of all the other testimony to the same effect, another inquiry was instituted. This was altogether unnecessary. It appears to me that the great cause of the delay which has taken place is the hardness of the stone. I don't think there can be two opinions as to the superior quality and beauty of the material. It has been said that the deeper strata are much softer than those above, and I have certainly been surprised to find how very soft some of them are. But no doubt, in spite of all that has been said, there is overwhelming proof that there is abundance of splendid stone to be obtained in the vicinity of the quarry, fit not only for the erection of the Parliament House, but for every other public building in Melbourne. I am convinced that we shall never get a finer building material in the colony. The suggestion to build Parliament House with granite is, to my mind, simply absurd. To do so would be to incur an enormous expense, and it is not likely that a proposition of that kind will be agreed to. It would be impossible to polish the whole of the stone used in the front of the building, and what sort of appearance do honorable members think would be presented by unpolished granite? If honorable members will look carefully into the evidence given by the witnesses examined before the select committee, they must come to the conclusion that the report is not founded upon it. Indeed, to my mind, the report is directly against the evidence. The witnesses spoke strongly in favour of the stone, and yet the report is just as strongly against it. The votes of the committee on the report were equally divided, two members being for, and two against it, and it was only carried by the casting vote of the chairman.

Mr. BLACKETT.—Several of the members of the committee were absent at the last meeting.

Mr. LANGRIDGE.—Yes; there were only five members present, including the chairman, when the report came up for adoption. Twenty-four witnesses in all were examined by the committee; seven were against the stone, three were neutral, and fourteen were in its favour. Mr. Finlay was one of the neutral witnesses, and yet it was upon his evidence that the honorable member for Rodney relied when condemning the stone. The three architects who were examined are men of high standing in their profession, and their evidence should have great weight. The name of Mr. Webb is almost a household word in the colony. He has been connected with the erection of nearly all the public buildings in Melbourne for many years past, and he has a high reputation among gentlemen of his calling as a man of great experience and ability. Mr. Johnson, another member of the board, was one of the architects of the new law courts, the beauty of which is universally acknowledged. The joint statement of the architects is so important that I shall read it, after which honorable members will be able to judge for themselves whether the report of the committee is drawn up in harmony with it:—

"Melbourne, July 31st, 1892.

"Gentlemen,—We, the undersigned, in accordance with your instructions, have inspected the quarry at Mount Difficult. We have also looked through the plans and specifications of the west front of Parliament House, and examined the several samples of stone in connexion with the contract, and have now the honour to report in reference to the suitability of the stone of the said quarry for the purpose of erecting the said building, as follows:—"
That in our opinion the Mount Difficult stone possesses excellent qualities, and is suitable for the purpose required. The stratum or bed of stone from which the sample stones were taken appears for the most part unexceptionable, although some portion of it is more or less discoloured by infiltration from the ferruginous soil on the mountain slope. The bed of stone underlying the sample bed has less discoloration, but appears to us of inferior quality.

It is an admitted fact that there is a certain proportion of the stone which is of inferior quality.

Mr. KERFERD.—I understand that there are soft veins running through the stone which cannot be discovered until the blocks are dressed.

Mr. LANGRIDGE.—That is not the case with the best portions of the stone. The architects' report further states:

"The stratum of stone overlying the sample bed, or a portion of similar quality, is a very indefinite length, we are of opinion that the quantity obtainable will be found quite equal to the requirements of the building in question; nevertheless, as some difficulty may be experienced in obtaining such large stones as some that are shown by the drawings, we beg to suggest that the size of such stones in many instances be reduced. For example, the stones in the shafts of the columns might be reduced to one-half the height shown, and instead of the architrave of the entablature being in one stone from column to column, it might be constructed of two stones; the construction would, in fact, be similar to that in the front of the Parliament Library. Also, we would suggest that a certain amount of discoloration in the stones be allowed instead of the uniform exemption from stains required by the specification. These modifications in our opinion would be judicious, and in no respect detrimental to the stability or the appearance of the building.

We would further add that we are of opinion that it is desirable that an inspector be appointed at the quarry to approve of the stone before being forwarded to Melbourne. It would be the means of ensuring more careful selection of stone, thus avoiding much loss of labour and cost of carriage, and at the same time would facilitate the progress of the work.—We are, &c.,

"CHAS. WEBB,
LEONARD TERRY,
ARTHUR E. JOHNSON."

Thus we have gentlemen of standing in the scientific world who all use the same language in regard to the stone, and who, being constantly engaged in contracts for large buildings, may naturally be expected to be anxious to get a first-class building stone adopted, as they may have to use it on future occasions. There is a point in the evidence of Mr. Storie which I should like to advert to. I will read an extract from a letter which was written by Mr. Storie to Mr. Galbraith, the company's secretary:

"I cannot see my way clear to make this quarry pay, and would like to go in about two weeks. I don't like to stop when it will not pay."

Now let us compare that letter with the evidence which Mr. Storie gave before the select committee:

"The committee is to understand you could not get the stone from the sample bed?—No, I could not get it to suit. I was engaged to work the place properly, after I gave it a fair test I left it. I gave my charge up. I sent a letter to Mr. Galbraith, and showed him I could not get the quality of stone for this building. He told me that Mr. Amess would be up, he had got a letter from him. If I gave it up the quarry would be up on the following Tuesday. I was to go on and do the best I could, which I did. I went down to this block in front of the sample block down lower, I had got eleven feet into that, so it was agreed when Mr. Amess came up we would give that block a trial. After I saw it I gave notice to my employers that I could not get the stone to fit the job here, so I gave my billet up."

As honorable members will see, what Mr. Storie said in his letter and what he said in his evidence are two very different things. Mr. Galbraith then sent a letter on behalf of the directors of the company to Mr. Amess, the contractor. It is as follows:

"Stawell, June 24, 1892.

"Sir,—I am instructed by the directors of the Stawell and Grampians freestone quarry to acknowledge the receipt of your letter of the 30th May, and, in reply, beg leave to inform you that the stone quarried and delivered was under your instructions taken from the bed pointed out and approved by you. On receipt of your cheque for £2817s. lid. for stone delivered, and an inspector sent up to point out and pass the stone, the directors will at once resume work. An early reply will oblige, as the men are waiting, and should they leave some difficulty may be experienced in getting another competent staff. Yours obediently,

"P. GALBRAITH, Secretary."

I am certain that stone was taken out of the quarry and sent away which ought never to have been passed, and that if all the blocks had been taken from the sample bed, the select committee whose report we are now discussing would never have been appointed. A good deal has been said with regard to the gullet which has been recommended, and the Minister of Public Works has ridiculed the idea of spending £1,500 upon it for the purpose of opening up the quarry more effectually. I quite agree with him on that point. It was my impression, however, that the committee intended to condemn the stone at all hazards, and in view of the probability of the stone being undeservedly condemned, I myself suggested that a gullet should be put in. It is not necessary that, it should be cut in the present quarry, which has been thoroughly opened up, but it might be put in at a distance of three-quarters of a mile from it. I have been given to understand that an offer to cease working the quarry has been made to the Government, and no doubt those who first undertook to supply the
stone would be honestly glad to get rid of the job, because, in my opinion, it is impossible for them to carry out their engagement profitably at the rate of 1s. per cubic foot. I may here direct attention to another portion of the evidence of Mr. Storie. He was asked—

"How many came out of the sample bed?—I suppose about a dozen altogether. I was quarrying for the police building at Stawell, and any I thought would do for down here I kept, the rest I sent to Stawell, and a great deal of it went over the bank."

About thirty or forty stones were sent to Melbourne, and some of the largest of them were never touched from the day they left the quarry to the day they arrived. Of these only five have been worked, and I have no hesitation in saying that none of them were obtained from the sample bed. One of them was stated by one of the witnesses to be a splendid stone, but, for some reason or other, it had been left unfinished. It appears to me to be monstrous to think of resigning the quarry after we have spent £20,000 in opening it up and constructing a tramway to it, and after we have had so many reports speaking in praise of the stone as a building material for Parliament House. The honorable member for Rodney has referred to the evidence of Mr. Finlay. The following extract from his evidence is, to my mind, conclusive:—

"How much was expended?—I do not know. I cannot get these. The board, as a good deal of discussion, and a good deal of examination in the manner I say, came to the conclusion that this was a stone they could recommend, provided that its component parts were equal to what they could be considered a good stone. This was referred to Mr. Newbery, who gave as the result of his examination an analysis and statement in connexion with its component parts, that it very closely approximated to the famous Craigieith stone, of which a large portion of the new town of Edinburgh is built. I may state that a higher position could not be assigned to any building stone of a freestone character anywhere. We certainly, after working the stone and trying it in those different ways, and having this high character, had not then any doubts in recommending it not as superior to Tasmanian or Sydney stone, but to be placed in fair comparison with those stones. I may state that of course we had some of those stones worked in a variety of ways to test the quality, and to test whether they would stand the particular mouldings and minute working that are required on this job. That working took place over three years ago. In looking at the stones this morning they have every indication of an excellent stone, that is to say the arries are standing as perfect as the day they were worked, and all the different kinds of mouldings are as perfect as the day they were worked."

I may also direct the attention of honorable members to the following portion of Mr. Ramsay's evidence, this witness corroborating, from a practical stonemason's point of view, the opinions expressed by the scientific gentlemen examined:—

"Do you think that were it not for those two faults it would be a good stone to put in front of the Parliament Houses?—I think you could not get a better stone—I never saw a better stone, and I have seen a good many—I was born close to a quarry. I know there is not a stone introduced into the colonies to match it. It may be dearer to work, but a man gets into the working of it in a short time. In the court-house, at Stawell, I have assisted to take eight days at starting, but before they were long at the job they could do them in four days."

Again, a little further on, he gave the following evidence:—

"In comparing the Grampian freestone with the Sydney stone, which do you think is the most lasting and durable stone?—The Grampian stone will keep its colour better, if it is rubbed—it is the best stone of the lot, and is easier worked; it will not take so many tools. When the men started I know they had an objection to it, but plenty of men can do it quick enough."

I regard that testimony as entitled to consideration, for Mr. Ramsay is a thoroughly practical stonemason. Another witness was Mr. W. Harrison, the inspector of works at St. Paul's Cathedral, in Swanston-street, and I think his statements ought, on account of his position, to be looked upon as important. I will not read his evidence, but he expressed the opinion that the stone was of very high quality, that "it would astonish people if it was properly handled," and that there would be no difficulty in using it if care and judgment were exercised. Then there is the evidence of Mr. J. Bell, the inspector of works who overlooked the building of the Stawell court-house, and who told the committee that to his mind the Grampian stone was perfectly fit for the work it was required to do in building Parliament House. I next come to the statements made by Mr. T. Smith, the clerk of works at the new law courts, a mason by trade, and a member of the stone board of which Mr. Leggat was chairman. As a proof of his ability, I may mention that he inspected the work done in the great hall. There is no mistake about his being strongly in favour of the Stawell stone. He gave this evidence:—

"Do you think that the bed from which the sample block was taken and the bed below it show sufficient indication to persons visiting the quarry to justify you in believing that you could get stone of sufficient quantity, size, and suitability to place in the Parliament Houses?—I think so."

"You have visited the quarry as an experienced man, you have had an opportunity of seeing the quarry and seeing the stone that has been sent down, some of which is partially worked?—Yes."

"You have had an opportunity of comparing what is here and what is in the quarry with the samples?—Yes.
"Taking the stone as you see it here, do you consider a fair trial has been given, judging from the stone that has been sent down from the quarry, and the few stones that have been worked? -No, I do not."

I will next touch on the evidence of Mr. E. Stone, a quarryman who was sent for by the Stawell Quarry Company to be their foreman, but who, after going up to Mount Difficult, and finding that the men engaged there in supplying the stone were not competent, declined to have anything to do with the affair. Among his statements were the following—the first bearing reference to his view of how the work at the quarry was carried on:

"How long is this ago?—Five months ago. I went out into the quarry, saw the stone, and the lay of the stone—the formation. I found a good lot of stone there, but it was badly managed the way it was being worked before; they blasted and destroyed the sample block. The first four months they were working there, they worked about the top block on top of the sample block; all they did was to gutter the sample block about 15 feet."

Did you see sufficient of that stone up there to enable you to form a judgment as to whether there would be sufficient stone of size, quantity, and quality to put in Parliament House?—Yes, I am confident of it, for all the principal buildings in Melbourne for the next twenty years.

I also ask the committee to glance at the following evidence from Mr. G. Chambers, who was formerly a builder, but who now has a stone yard:

"You say in a portion of that report that after a careful search through the quarry and blocks on the ground, it was with difficulty you found a stone as bad as some sent to Melbourne?—Yes.

"Does that mean to convey that they purposely selected the worst stone to send to town?—No, it does not; the stone that was sent to town and worked may have developed faults that we did not see in the rock. The method of working may have developed faults that we could not see."

"Looking at the stone that you saw at the quarry in the bed, you consider that there was plenty of stone, good stone, equal to sample, and of sufficient size to send down here to be put in the Parliament House?—Yes, I did, and do yet."

I have plenty more evidence to quote, but I don't want to weary the House, especially as there are so few honorable members present. I am glad the Minister of Public Works takes the stand in this matter he does. It would be a most serious thing if, upon the facts and statements before us, we allowed the contract for building the Parliament House to be annulled, as is suggested to us. I am sure we could not possibly commit a greater mistake than doing anything of the kind. We would be practically condemning one of the finest building stones ever seen in Melbourne. I may mention that one of the highest officials of New South Wales—a most competent judge of such matters—told me the other day, when he was on a visit to Victoria, and I showed him a sample of the Stawell stone, that he was utterly unable to understand why such a magnificent material should be rejected.

Mr. KERFERD.—That is the old story. Every one knows that there is good stone in the Grampian quarry. The only question is as to the quantity.

Mr. LANGRIDGE.—Well, I am sure I cannot understand why there should be such objections to giving this stone a fair trial. I am convinced that, if Mr. Amess' contract is allowed to go on to completion, the result will be one of the finest buildings for material ever seen in this part of the world. For myself, I have not the slightest personal interest in the matter. I have nothing to do with the quarry, and I don't know a man, woman, or child at Stawell. My sole feeling is a strong desire to see this grand building stone introduced into Melbourne. If the contract price for the proposed building work is too low, it may perhaps be well to look at the matter in that light. I am sure the House does not want to take any one at an advantage. I object most thoroughly to the crusade against the Stawell stone we have witnessed. Why has there been such a strong prejudice against it? I would suggest that the Government send up a qualified man, say Mr. T. Smith, to see that the quarrying is carried on properly, and by the contractor, for I believe that, if that were done, we would hear no more about the stone being either bad or unfit.

Mr. BLACKETT.—Sir, as a member of the select committee whose report is before us, I may say that we had a very knotty matter to deal with, and that the quarry is well named Mount Difficult. We took a vast amount of conflicting evidence, and I venture to think that it must be judged, not by the number of witnesses pro or contra, but by the character of the different persons giving the testimony. For example, one man's evidence may have been very confidently offered on one side of the question, but it does not follow that it is worth anything like the rather hesitating statements of a witness on the opposite side. The case of this Stawell stone has been before the country for some years past, so that it has had the advantage of a good deal of consideration. The honorable member for Collingwood (Mr. Langridge) referred first to the report on the subject of Mr. G. F. H. Ulrich, the well-known mining geologist, but I think..."
that anybody can see, by reading between the lines of that document, that he could not have had absolute confidence in the material, because he described it as actually friable between the fingers. We are aware that the sample block of stone from Mount Difficult is of perfectly splendid quality, but we also know that a great many of the other blocks sent down are not according to sample, but very inferior, and, indeed, not fit for use in building Parliament House. On this ground the committee state in their report, in the first place—

"It appears to your committee that the superior character of the sample stone is beyond all question."

And in the second place they say—

"The great bulk of the evidence shows that a large proportion of the stone sent from the quarry at Mount Difficult to the contractor is not only inferior to the sample stone, but is unfit to be placed in the Parliament Buildings."  

I repeat that these two points are demonstrated beyond all doubt. The question then arises—Why was the stone sent down to Melbourne from the quarry for use in building Parliament House, not according to the sample? Some say because Mr. Amess ordered that the blocks should be taken from a certain bed, but I think that view is met by the following answer given by that gentleman to the committee:—

"I visited the quarry, I think, about the 3rd of December, and I found a large quantity of stone quarried on the upper bed, but a great portion of it was unfit for the work, in consequence of bad colour that was in it. I informed the manager that description of stone would not answer for this work. I called his attention to the fact. I then inspected, along with him and the foreman of the quarry, the different beds that we could see. I suggested to go down into the deeper beds where I thought there would be better stone found, and it has turned out to be so—much cleaner."

He saw that the stone previously turned out was marked by stains of oxide of iron—by ferruginous filtration. Again, the evidence goes to show that whereas the almost invariable experience with respect to freestone quarries, both here and in Europe, is that the softest stone is found at the surface, and that the further you go down the harder the stone becomes, the case with this quarry is that the stone is hard above and soft below. That circumstance brings us to look at the chemistry of the stone. It is a most peculiar article. Its cementing material is soluble silica—flint in solution. This flint is, according to Mr. Newbery, a silicate of ammonia—acid of ammonia associated with silica—and in its soluble form it rises through the sand grains to the surface of the bed just in the same way as water will percolate and rise through a piece of flannel. Under these circumstances Mr. Newbery’s conclusion is that the surface is hard, because when the soluble silica rises to it through capillarity it becomes exposed to the atmosphere, and its watery particles gradually evaporating leave the sand grains firmly cemented together. Looked at in this light, it is easy to understand that the stone is hard where the watery particles formerly associated with the soluble silica have evaporated, and why it is soft where no such evaporation is or has been possible. At the same time it is obvious that the rise of the silica in solution to the highest bed subjects the lower ones to some loss of cementing material.

Judging from the evidence, I, for one, have no doubt that there is plenty of stone of good quality in the Mount Difficult quarry. I have, in fact, seen it with my own eyes. Last week, too, I went to Stawell, and made a careful inspection of the court-house there, which has a front of Grampian stone. I looked at the cornices and the other architectural features of the structure, and I could not help coming to the conclusion that the material was a beautiful one, both in colour and texture. Anybody seeing it would say that if we could get similar stone of the size, quality, and quantity required for Parliament House, we would have in the edifice a very elegant, handsome, and also everlasting building. The question is whether stone answering that description is really obtainable. That point has, however, been dealt with in the able speech of the honorable member for Rodney (Mr. Gillies), and I will not weary honorable members by going into it again. One thing that struck me while I was looking at the Stawell court-house was the fact that, at a little distance, the stains on its front could not be seen, whereas the conditions of the Parliament House contract require the stone to be utterly free from stain. At the same time the stains in the court-house, when you are close to it, are certainly objectionable. One of the two piers is stained in the front, while the other is stained on the inside, but neither pier-stone is placed on its true bed, according to the rule generally enforced by architects. For myself, I don’t think that circumstance of much consequence, as the Grampian stone is not a sedimentary deposit. It is not as what are called freestones generally are, but it is homogeneous. The statements I have just made are of importance, inasmuch as they
help to show the perplexities men of science have to contend with in forming an opinion on this material. I would be delighted, because of its colour and texture, which are everything that could be wished, to see it used, but the real obstacle in the way of that being done is the irregularities in its composition. If you take it from the surface you have iron oxide stains from infiltration, and if you take it from the second bed you have still similar stains; they are not part of the original composition of the stone, but they are derived from the clay surface being washed with something strongly impregnated with oxide of iron. Of course that implies that the stains will never become darker, and if, with that understanding, honorable members are satisfied to use stained stone, a great deal of the difficulty now in the way of the contractor will be removed. And now, leaving the scientific view of the question, I will quote the following portion of the evidence of Mr. Amess, which he gave:

"I have shown that the stains will never become darker, and I accept his correction. For instance, he gave the following evidence:—

Had you not some difficulty in framing your estimate without knowing what the real cost of working the stone would be—you had a great lot of mouldings to work out, and different kinds of work requiring very careful calculation—how could you tender with anything like certainty without knowing the cost of labour necessary?—I calculated from the appearance of the stone that it would be about as hard as Malmsbury bluestone to work, and I based my calculation upon that."

I call attention to this because it has been made a point—to which I have already alluded in another aspect—that Mr. Amess ordered stone to be taken from the lower bed in order to get a softer material, which it would be cheaper to work. According, however, to his own statement, it appears he knew the stone would be hard to work, and made his calculations on that basis. Upon the whole, we may fairly assume that his real reason for suggesting resort to the lower bed was the probability that presented itself to his mind that the stone there would be cleaner and freer from ferruginous stains. I don't think I am wrong in stating that, in examining the various witnesses, the members of the committee were very anxious to do their duty to the House and to the country. We knew that the question before us was one involving the expenditure of one-fifth of a million of money, and we felt bound to throw the whole of our mental energies into the inquiry; and I am happy to say that every one of our body who has addressed the Chamber with respect to the matter has shown that he rose above everything resembling political feeling or party bias. Here is another point I have omitted to refer to. It should be borne in mind that the Stawell court-house is built of very small stones, which it was much easier to select from the inferior material than would be possible in the case of the blocks required for Parliament House, some of which, including the architraves, are to be 17 feet long. Now many of the stones in the Stawell court-house front measure only 12 x 14 inches. Again, it is a question whether the existence of clay veins in blocks of the large size I have mentioned will not imperil the safety of the building in which they are used, to say nothing of the danger to human life involved in the chance of huge masses of stone falling from a height. I gather that the honorable member for Emerald Hill seems to think that the clay veins found in the blocks of the Stawell stone sent to Melbourne were caused by the use of gunpowder.

Mr. NIMMO.—I only stated that the cracks in some of the blocks were probably caused by the use of blasting material.

Mr. BLACKETT. — The honorable member's statement was—

"If blasting were at once discontinued, the stones that might be quarried in future would be as sound as the sample blocks."

Of course, however, I accept his correction. I say that, if as Members of Parliament we find that a mistake has been made about this stone, we ought to acknowledge it like men, and not persist in our previous decision merely because it was our decision. For myself, I may say that I am always open to receive more light, or to gain fresh experience. I would change my opinions any day if I was satisfied that in doing so I was on the right side. Coming back again for awhile to the evidence, it is plain to me that Mr. Newbery—to say nothing of the same thing being done by Mr. Finlay, against whom it is a charge that he is a carpenter and not a mason—has altered his views somewhat with respect to this stone, and that like a true man he is not above acknowledging it. For instance, he gave the following evidence:

"Do you think it would be possible for the Government to send up an inspector—an experienced man—to the quarry and select the stone, and that that selection would guarantee that the stone would be fit for use—that it could be passed: could it be passed up there before dressing?—The stone must be dressed. I think that if the stone were inspected at the quarry the greater part of the rejection would take place at the quarry, but with lines in the stone like those you might cut into the middle of one of them and find a bunch of them, and a stone that..."
appeared perfectly good at the quarry might be sawn through here and you might find you had sawn through a nest of trouble."

But he never said anything of the kind in his previous report. Of course it is safe to be cautious in the selection of the stone. As I said before, there is splendid stone in the Grampians quarry—as fine as any in the world—but there is also every appearance that, if great care is exercised in the selection of the material for this magnificent and classic Parliament House structure, the percentage rejected will be so large that the work will never be successfully carried out. As to plenty of the best kind of stone being available, the evidence is most conflicting. Some of the practical masons and quarrymen were sure about there being any quantity of the article, but the others felt bound to admit that the question was a difficult one to settle. When the architects were asked—"Would you stake your professional reputation in favour of the stone?"—they one and all said in effect—"We have not sufficient experience of it, it is an untried material." This is certainly matter for grave consideration. Then let us look for the correspondence between the contractor for Parliament House and the Stawell Quarry Company. In that correspondence we find the company offering to allow Mr. Amess to work the quarry free of cost. Why did they make such an offer as that? Was it that they had made a bad bargain with the contractor, or that they had employed inferior quarrymen? Of course, if that was the case, they could not have done better than offer the use of the quarry for nothing, in order to have it developed, as they had a lease from the Government of a large area on very favorable terms. When Mr. Amess said he was not a quarryman, and that he wanted stone in accordance with the contract, why did not the lessees supply it when a number of stones were rejected by the inspectors, why did they not send down stone according to sample? Was it because the stone according to sample was so hard that it did not pay to quarry it? It strikes me that that had a great deal to do with the matter, and that it would have been more profitable to the lessees if they had been allowed to supply a softer stone. Again, Mr. Newbery gave the following important evidence:

"If you were consulted by a friend, or a client, not by the Government, would you recommend upon economical grounds, independent of scientific grounds, this stone to be used for so large and important a building as the Parliament House?—No, I cannot say that I would recommend quarrying any stone where the beds dipped at such an angle as this has, because if you have to follow one or two of these beds to a depth, you are mining for stone rather than quarrying stone."

Then this acute angle and dip of the stone is unusual!—No, the dip is not unusual, but it is unusual to select for a building stone—a stone that dips at such a high angle—the cost of working must be so tremendously increased by having to lift the stone."

The honorable member for Emerald Hill (Mr. Nimmo) asked the witness—

"A theory has been propounded to the effect that it is not a proper stone. The chairman referred to it in one of his questions, that the stone had not grown as freestone rocks do grow generally, that is not an organized stone. Have you any doubt upon that matter in your own mind?"

I don't know exactly what an "organized stone" is, as organized matter is generally supposed to be based upon animal, but I suppose the honorable member meant that it was a sedimentary deposited stone. Mr. Newbery's reply was—

"The stone about the surface of the country is, of course, a true sandstone."

There is no doubt about that, but the question to which I attach great importance is the irregularity of the stone. On this point Mr. Newbery gave the following evidence:

"In the museum you have, I know, samples of Portland stone, and all the different kinds of stone?—Yes."

"In relation to those stones, how does this stone compare?—Very favorably. The picked samples of the Stawell stone compare favorably with the best building stones."

"The difference between Portland stone and this stone, for instance, is the great irregularity in its composition?—Yes."

"Or rather in the cementing material distributed among the sand grains?—Yes. This cementing material is nothing until it is saturated with siliceous water."

I wish to point out that Mr. Newbery was impressed, as I was, with the great irregularity in the composition of the stone. That is the cause of all the trouble—the stone is not the same throughout. At one grade it is of one density, and at another grade of another density, and, according to the best geological evidence, there is no use in going deeper than the level of the plain of the Grampian Mountains, because below that the stone is all soft. Therefore, the question is entirely one of the proportion of stone according to sample to inferior stone, and it is very doubtful to my mind whether a gullet would furnish us with any information on the subject that we do not already possess. As I did not feel very strongly on the subject, I made no protest against the recommendation to put in a gullet, but in my own mind I am thoroughly convinced that we know all about the stone that we
can know. I am quite sure that the scientific evidence of Mr. Newbery and Mr. W. Johnson furnished the committee with ample information on the subject of the composition of the stone. I would particularly call attention to the following shrewd observation of Mr. Johnson in a report which he wrote some years ago:—

"The stone from the Grampians is therefore the best and most durable, but whether it can be obtained in blocks sufficiently large, without flaw or faults, is a question I particularly draw the attention of the committee to, more particularly as a large one exhibited in Melbourne some years ago, which it fell to my lot to examine as a jurymen, though very hard and like the present sample, yet was very faulty, so that a large carving could not have been executed in it."

Then Mr. Newbery gives this significant evidence:—

"Has your opinion at all changed from the beginning with reference to the quality of this stone generally after it has been worked?—The first opinion I expressed about the Mount Difficult stone was to the board sitting in reference to the contract for Government House, and I reported to that board adversely to the stone."

I may also mention that Mr. Newbery has told me personally, although it is not in evidence, that he always had doubts about the practicability of using the stone largely in Parliament House on account of the great difficulty in obtaining it according to sample, and that is the reason he put the matter so mildly in his report. Honorable members know that that report was made only a few months after a certain terrible event happened in this colony, and when officials were more or less timid and afraid of expressing their convictions openly. With regard to the architects’ opinion I may say that I attach very little importance to the opinion of architects regarding stone, because they have no scientific knowledge. Architects can judge of the colour and texture of a stone, but they are no judges of its composition. A scientific chemist is the best judge of stone—better than an architect, better even than a mason. I admit that specimens of the Grampian stone, like that now on the table, have been obtained of the finest quality, but we cannot judge of the practicability of erecting an immense building with a certain stone from only seeing little pieces; we require to see the stone taken out in thousands and thousands of cubic feet.

Mr. LANGRIDGE.—There is a block of seven tons in the Parliament yard now.

Mr. BLACKETT.—That has been condemned. I may say that I myself recently examined the larger stones in the Parliament yard, and, when I pressed my hand on one edge of a stone, pieces of it broke off. That shows the want of cementing material. At the same time other parts of the stone were hard, of good quality, and well cemented, showing that the stone is not of uniform quality. The great irregularity of the stone, in fact, has been the cause of the uncertainty hitherto surrounding it in the discussions during the last three or four years. The Craigleith stone, to which the honorable member for Collingwood (Mr. Langridge) referred, is not analogous to the Stawell stone.

Mr. LANGRIDGE.—Mr. Newbery said it was.

Mr. BLACKETT.—Mr. Newbery agreed with me when I pointed out to him that the cementing material in Craigleith stone was carbonate of lime, whereas in the Stawell stone it is silicate of ammonia. We know that carbonate of lime is a better cementing material for freestone than a silicate, and, besides, it must be remembered that the proportion of lime in the Stawell stone is very minute. Therefore the Stawell stone cannot be analogous to the Craigleith stone, however it may resemble it in appearance, and I admit that the best samples of Stawell stone have as nice a colour and as pleasing an effect as Craigleith stone. I may say that I have not the slightest prejudice against the Stawell stone. What I want to arrive at is the exact truth with regard to it, and, if it can be shown that a sufficient quantity of Stawell stone to build the west front of Parliament House can be obtained equal to the sample without any unreasonable difficulty, I shall be only too glad to see it used. I have no wish except to see the west front of Parliament House built with a stone which will be a credit to us. But the condition of the Library front, with its magnificent architectural embellishments, should render us cautious. We see the stone used there decaying by exfoliation. I am perfectly certain that if we could get stone from Mount Difficult equal to the sample it would never exfoliate, but would last to the crack of doom, because the stone is of such a character as to be imperishable; but the whole question is the proportion of stone according to sample to the stone that would have to be rejected. In the report of the committee a recommendation, or rather a suggestion, has been made with regard to Victorian granite. I have always been a great believer in granite and bluestone. Some years ago I had two splendid columns erected at great expense in front of my own
establishment, although I was looked upon as rather quixotic for doing so, and they are still there, and still an ornament in my eyes. I greatly regret that the use of bluestone has been so much discarded. In such a climate as ours the glare of freestone buildings on hot and sunny days is painful to the eyes, whereas from smooth Malmsbury stone and granite a subdued and grateful effect is obtained. I have always advocated, in these hot climates, the use of the stones which lie beneath our feet. As a French philosopher says, if we want to see what is best for us we should look under our noses, yet we neglect doing so. In the old church which has existed for nearly twenty centuries, they invariably select for their edifices the stone which is best in the districts in which they are built. Look at St. Patrick’s Cathedral in this city. Some would say it looks dull, but, to my mind, it presents a grand and magnificent appearance with its soft-hued bluestone, relieved with freestone. So if, in completing Parliament House, polished Harcourt granite were used for the columns, rubbed Malmsbury bluestone for the plain work, and Stawell stone for the ornamentation, I believe we would have a magnificent building, and one that would last as long as the Pyramids. I throw out this suggestion as I am anxious that we should use Victorian stone, because I believe in developing our own resources above all things. I think we have in this colony almost everything we require if we would only look for it; and I would be reluctant to import a single stone for a public building. I would point out, with regard to the dressing of Stawell stone, that patent axing that stone is a great mistake; it should be rubbed. The Stawell court-house is of rubbed freestone, and it is as smooth as marble. I counted about 25 stones in the building which were stained with iron, but I believe that those stones might have been more avoided than they have been. Axing Stawell stone makes it really worse than it is. The concussion from the hammering has a tendency to shake the sand grains apart, and to promote disintegration. As I have a few other remarks to make, and I do not wish to detain the committee at this late hour, I beg to move that the debate be adjourned.

The motion was agreed to, and the debate was adjourned until the following Tuesday.

Progress was then reported.

The House adjourned at two minutes to eleven o’clock, until Tuesday, October 10.

LEGISLATIVE COUNCIL.

Tuesday, October 10, 1882.

AbSENce of a Member from Illness: Sir Charles Sladen—

MESSAGES between the Houses—W. H. Stevenson—

Council Supplementary Rolls (1882) Bill—University of Melbourne Law Further Amendment Bill—Tramways Bill.

The President took the chair at twenty-five minutes to five o’clock p.m., and read the prayer.

SIR CHARLES SLADEN.

The President announced that he had received the following communication:—

“Dear Sir,—I have been so troubled with headaches for some time past, which almost invariably follow after my weekly journeys to Melbourne on parliamentary and other business, that I have reluctantly thought it necessary to discontinue my visits to Melbourne for a time. I, therefore, desire to ask the Legislative Council, through you, to permit me to absent myself for a while from its sittings.—I am, &c.,

CHARLES SLADEN.

Geelong, Oct. 6, 1882.”

The Hon. F. S. Dobson moved—

“That leave of absence be granted to the Hon. Sir Charles Sladen until the end of the present session, or until he feels himself sufficiently recovered to attend the sittings of this House.”

He said he was sure that every member of the Council deeply regretted the absence of Sir Charles Sladen from the chamber, and its cause, and also that they would willingly meet the wishes he had expressed in every way they could.

The Hon. J. MacBain seconded the motion, which was agreed to.

MESSAGES BETWEEN THE HOUSES.

The President announced the receipt of a message from the Legislative Assembly, requesting the concurrence of the Legislative Council in adopting the following as a joint standing order:—

“In any joint standing rules and orders of the Legislative Council and Legislative Assembly the words ‘in writing,’ or ‘written,’ shall be deemed to mean and include ‘either written or printed, or partly written and partly printed.’”

On the motion of the Hon. F. S. Dobson, the message was referred to the Standing Orders Committee for consideration.

W. H. STEVENSON.

The President stated that probably honorable members would recollect one of the messengers formerly attached to the House, named W. H. Stevenson. He was a worthy and respectable man, and seemed, when the session began, as though he had
many years of life before him. A few months ago, however, he was attacked with illness, and died, leaving his family not absolutely in difficulties, but in such a position that any addition to their means would be a consideration with them. Under these circumstances it was a question whether, inasmuch as he resigned his place the day before his death, those he left behind him were not entitled to the compensation usually paid under similar circumstances to the widows of officers under the Civil Service Act; and, the matter having been referred to the Government, the following communication was received from the Chief Secretary's department:

"The Chief Secretary considers a sum equal to nine months' of deceased's pay (£217 6s. 6d.), the gratuity usually paid under similar circumstances to the widows of officers under the Civil Service Act, a fair amount in this case. The Attorney-General is of opinion that the gratuity can be paid out of the special appropriation for expenses of the Legislative Council, if that body approve. I am accordingly to suggest that steps should be taken to obtain its sanction to the payment."

"T. R. Wilson, Under-Secretary."

"Chief Secretary's Office."

"29th September, 1882."

He begged to submit this suggestion to the consideration of the House.

The Hon. F. S. Dobson moved—

"That a gratuity, equal to nine months' pay of the late W. H. Stevenson, formerly messenger of the Legislative Council, be paid out of the sum reserved by the Constitution Act for the 'Clerk and expenses of the Legislative Council' to the representatives of the late W. H. Stevenson."

He said he was informed that the deceased was well known to every member of the House, and thoroughly merited the eulogy of the President. He also understood that the course suggested by the Under-Secretary was adopted in several previous instances.

The Hon. R. S. Anderson seconded the motion, which was agreed to.

**DISEASES IN STOCK ACT AMENDMENT BILL.**

On the order of the day for the second reading of this Bill,

The Hon. T. F. Cumming moved that the order of the day be postponed. He said he found that another Bill on the same subject had been introduced by the Government elsewhere, and he wished to have an opportunity of examining it before he pressed his own measure any further, because, if the Government Bill met his views, he would not like to stand in its way.

The motion was agreed to, and the order of the day was postponed until Tuesday, October 24.

**COUNCIL SUPPLEMENTARY ROLLS (1882) BILL.**

The Hon. F. S. Dobson presented a message from His Excellency the Governor, recommending amendments in clauses 2 and 4 of this Bill.

The message was taken into consideration, the amendments were agreed to, and a message inviting concurrence therein was ordered to be transmitted to the Legislative Assembly.

**UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.**

The debate on the Hon. F. S. Dobson's motion for the second reading of this Bill (adjourned from October 3) was resumed.

The Hon. J. MacBain.—Mr. President, the object I had in view in moving the adjournment of the debate was, amongst other things, to afford honorable members a further opportunity of considering the questions involved in the measure, there being much diversity of opinion on the subject both in and out of the House. Even in the two governing bodies of the University there are great differences both as to the points dealt with in the Bill, and also the propriety of introducing fresh legislation affecting the University so soon after the recent amendment of the law relating to it. Before going further, I will state that, from want of experience and knowledge as to the working of universities, I don't put myself forward as an authority on the present question. However, there are points in connexion with it which a layman like myself may venture to take up. In the first place, I disagree almost entirely with some of the views expressed by Mr. Fitzgerald the last time we had the Bill before us. That honorable member commented on the fact that several heads of educational institutions outside of the University are members of the council of the University, and he urged that the tendency of their being placed in that position is to give to those institutions an advantage that does not advance the interests of education in general or those of the University in particular. Now it is very easy to make a statement, but I wish it to be noticed that, although the honorable member put forward his assertion in a very clear way, he failed to give one instance to prove that the arrangement he condemned has the detrimental influence he attributed to it.

Mr. Fitzgerald.—The influence I alluded to is self-evident.
Mr. MACBAIN.—It is one thing to say that a certain influence is self-evident, and another to offer facts and reasons showing it to be self-evident. Now I am inclined to hold that the higher education in connexion with the University is very much indebted to some of the gentlemen identified with the educational institutions outside the University that are preparatory for it. At all events, I think that, before reflections are passed upon such men as Professor Irving or Dr. Morrison, at least a certain amount of evidence that their presence on the council is injurious to University interests, or to the cause of education, ought to be offered or indicated. It seems to me that the fact that Professor Irving formerly occupied a very high position on the professorial staff of the University, and that he left it in order to take the headship of one of the higher preparatory schools, is proof that some of the best educational men in the colony exercise their functions outside the University altogether; and I infer that their position in that capacity is a guarantee to the public that their connexion with University management is bound to be so far the contrary of detrimental to University interests as to greatly assist in forwarding them.

Objections have been raised to professors of the University being eligible to the post of Vice-Chancellor, but I will point out that, in the old country, university professors hold high office in various colleges there. Take the universities of Scotland for example. We find there that Sir Alexander Grant is the Vice-Chancellor and Principal of the University of Edinburgh, that Dr. Caird is Vice-Chancellor and Principal of the University of Glasgow, and that Dr. Pitie and Dr. Tulloch hold similar positions in the Universities of Aberdeen and St. Andrew's respectively. I, for one, have never heard of that state of things being detrimental to the interests of education or the universities in question. Of course, the case of the University of Melbourne may be regarded as an exceptional one, because we know that a considerable amount of ill-feeling has been engendered in the teaching staff there, and that, in some instances, members of that staff have been guilty of conduct which there can be little doubt ought to be severely censured. But I don't see that because some gentlemen cannot behave themselves as gentlemen, and conduct themselves properly, a rule with respect to university management which is found to work very well elsewhere should be abandoned here. My own view is that if a professor of the University misconducts himself he ought to be no longer connected with the institution. Honorable members know that there have been notable cases of the kind I am now referring to. Passing from that, I come to the fact that it is considered by many of those interested in and connected with the University that it is absolutely necessary, under existing circumstances, that there should be an alteration of the law relating to the election of the Chancellor, so far that he should be elected for five years instead of for life, and by the senate instead of the council. On these points most people are agreed, but that is not the case with the propositions in the Bill relative to the position of the Vice-Chancellor. Many who are fully competent to judge in the matter are of opinion that we have not yet reached the stage in the history of the colony when we would be justified in legislating with respect to the Vice-Chancellorship in the manner we are asked to do—for example, to constitute the office a paid one—and I am inclined to agree with that view. At all events, inasmuch as there are strong differences of opinion on the subject, I think it would be well if we left it alone for the present. I am perfectly free to say this, because the Bill is not a Government measure. Several members of the council of the University asked Ministers to take charge of the Bill, assuring them that it was ascertained that no objection would be raised to it in either House, but that is all. The Government agreed to introduce the Bill, but they are not pledged further, and they are perfectly open to accept as well as propose amendments in it. So that honorable members can carry out their ideas regarding the measure without consulting the position of the Government on the point. There is one circumstance which I forgot to mention when I was dealing with the remarks of Mr. Fitzgerald, namely, that the council of the University consists of twenty members, among whom are six barristers, four medical men, three clergymen, three professors, and two schoolmasters, and that the two latter, who are the gentlemen Mr. Fitzgerald alluded to, were elected to the council without opposition by the senate, the popular branch of the University. As for the appointment of the Vice-Chancellor, I quite agree that it should be in the hands of the council. They are the executive body, and they ought to have the selection of their executive officer. In conclusion, I think, in view of the differences of opinion existing over the measure, that it will be well if we
confine ourselves, with regard to it, to simply altering the law in relation to the election of the Chancellor, and providing that he shall not be officially required to preside at meetings of the council. I support the second reading of the Bill, and I shall also vote for the amendment in it which the Solicitor-General has stated he intends to bring forward.

The Hon. W. E. STANBRIDGE moved the adjournment of the debate. He said he wanted more time to consider the Bill, because at present he really could not make up his mind how to vote upon it.

The Hon. W. A. ZEAL seconded the motion.

The Hon. R. S. ANDERSON thought that, considering the length of time the Bill had been before the House, it ought to be dealt with at once. He protested against the debate being adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, October 17.

TRAMWAYS BILL.

The House went into committee for the further consideration of this Bill. Discussion (adjourned from Tuesday, September 26) was resumed on clause 2, which was as follows:

"For the purposes of this Act the terms hereinafter mentioned shall have the meanings assigned to them (that is to say):—The words 'local rate' shall have the same meaning as general rates made under the provisions of the Local Government Act 1874. The words 'local authority' shall include the corporation of every city, town, borough, shire, and road district, and also the corporation of the city of Melbourne and the corporation of the town of Geelong. The term 'prescribed' shall mean prescribed by any rule made in pursuance of this Act.""}

The Hon. W. A. ZEAL moved that the portion of the clause relating to the interpretation of the words "local authority" be amended to read as follows:

"The words 'local authority' shall include the corporation of the town of Geelong, and every city, town, borough, and shire, except the cities of Melbourne, Fitzroy, Collingwood, Prahran, and Richmond, and the towns of Emerald Hill and Holtham, and the boroughs of St. Kilda, Brunswick, Kew, Hawthorn, and Sandridge."

He said his object was that the Bill should not interfere with the promoters of the Bill relating to metropolitan tramways which was before another place.

The Hon. J. LORIMER said he would oppose the amendment, as it would be a very dangerous thing to leave the metropolitan district outside the tramway scheme. It was all very well for honorable members to say that a Bill providing Melbourne and its suburbs with tramways was under discussion in another place, but he would remind them that that Bill was not yet passed, and there were indications which led him to believe that it might not be agreed to at all. If, then, the Tramway Company's Bill failed to pass, and the present Bill contained no provision for the metropolis, the most important district in the colony would be precluded from constructing tramways.

The Hon. H. CUTHBERT remarked that it would be better for the amendment to be postponed until the Bill was transmitted to the other Chamber, when, if the Tramway Company's Bill was agreed to, it could be dealt with. The present Bill was to facilitate the construction of tramways, not in the towns and cities only, but in the whole of the colony. The fate of the private Bill under discussion in the other Chamber could not be foretold, and it would be unwise to alter the present Bill on the contingency of the other measure being negatived. It would be quite time enough to introduce the amendment when the Bill was transmitted to the Assembly, and when the fate of the private Bill was known.

The Hon. J. A. WALLACE stated that, for the reasons advanced by Mr. Lorimer and Mr. Cuthbert, he would be compelled to vote against the amendment. He thought both Bills should be dealt with simultaneously if possible.

The Hon. W. ROSS expressed the opinion that it was preferable to leave out of the Bill any clause which would clash with the provisions of the private Bill. The argument that, in case the private Bill did not pass, the excision of Melbourne and suburbs from the present Bill would leave the metropolis altogether unprovided for had no weight, because it would be very easy to bring in a supplementary Bill, dealing solely with the metropolitan district. He observed that the head of the Government objected to the private Bill on the ground, among others, that the tramways constructed under it would interfere with the railway receipts, but he (Mr. Ross) was of opinion that this point should not be considered, as the only thing which honorable members had to keep in view in legislation of the kind was the evident wish of the people. Several strong expressions from shire councils and other bodies favorable to tramways had been received, and he failed to see what better indication could be obtained of the feelings of the country than an expression of opinion from the ratepayers. It was a moot point
whether tramways would interfere with, or act as feeders to, the railways, and he was inclined to think they would tend rather to increase than decrease the railway traffic. He would suggest that this clause be postponed for the present.

Mr. ZEAL pointed out that, if his amendment was adopted, and the private Bill was rejected in another place, it would be an easy matter for the words which he now proposed to be inserted to be subsequently excised. In fact, it would be necessary to agree to the amendment, as it would be unfair for the requirements of Melbourne and the suburbs to be ignored in whatever Tramway Bill might be agreed to.

The Hon. R. SIMSON observed that he saw no objection to the suggestion made by Mr. Lorimer that the clause should remain unaltered as regarded Melbourne and the suburbs.

The Hon. J. BUCHANAN remarked that it would be an unwise thing to leave the metropolitan district unprovided for in respect to tramways. He hoped the Bill would be dealt with in a proper spirit, so that it might be sent to another place, and not transferred to the waste-paper basket.

The committee divided on the amendment—

| Contents | ... | ... | ... | 9 |
| Not-contents | ... | ... | ... | 7 |
| Majority for the amendment | 2 |

**Contents.**

Dr. Dobson, Mr. Stanbridge,
Mr. Dougharty, " Wallace,
" Fitzgerald, " Zoal,
" McCulloch, " Teller,
" Ross, Mr. Graham.

**Not-Contents.**

Mr. Balfour, Mr. Russell,
" Buchanan, " Simson,
" Cumming, " Teller,
" Lorimer, Mr. Cuthbert.

Discussion took place on clause 9, which was as follows:

"Every such order shall empower the promoters therein specified to make the tramway upon the gauge and in manner therein described, and shall contain such provisions as (subject to the requirements of this Act) the Governor in Council, according to the nature of the application, and the facts and circumstance of each case, thinks fit, but so that any such order shall not contain any provision for empowering the promoters or any other person to acquire lands, except to an extent therein limited."

Mr. ZEAL said that the present seemed to be the proper time to insert some provision in the Bill as to the gauge of the tramways to be constructed, and he would suggest that the gauge of Victorian railways should be strictly enforced, as it would be the one most likely to meet the wants of the country districts, particularly where the tramways would be run as feeders to the railway system, not only in respect of passengers, but of goods also. With this view, therefore, he begged to move that the clause be amended by the insertion, after the word "gauge," in the 3rd line, of the words "of 5 feet 3 inches."

Mr. CUTHBERT remarked that the clause was exactly copied from the English Act, and existed in the New Zealand enactment. It would be much better to leave the promoters and the Governor in Council to decide what the gauge of any particular tramway should be than to lay down a binding rule in every case that the 5ft. 3in. gauge should be adhered to. In some instances it would no doubt be found that a 4ft. 8in. gauge would be quite sufficient, and in those cases it would be unwise to insist on the larger gauge being adopted. Where the tramways were constructed with the object of their being feeders to the railways, no doubt the Governor in Council would see that the large gauge was insisted upon, but in other cases it would be better to leave the question open.

Mr. ZEAL considered that Mr. Cuthbert had supplied him with an argument in support of the amendment. In some cases a 5ft. 6in. gauge would probably be regarded as sufficient to meet all the requirements of the district through which the tramway would pass, and it was well known that the adoption of such a gauge in other countries had proved to be one of the greatest of all obstructions to railway progress. If the tramways were to be feeders of the railways, they must be constructed on the same gauge. If the various municipalities had power to adopt whatever gauge they chose, the whole tramway system of the country would be in confusion.

Mr. BALFOUR observed that some definite gauge should be specified in the clause. It would be everywhere practicable to carry out the 5ft. 3in. gauge, because as a rule the streets of all towns and townships in the colony were made very wide.

Mr. SIMSON stated that he was in favour of the clause as it stood. In some portions of the colony the construction of a tramway with a wide gauge would be a very expensive undertaking. It was advisable that such works should be carried out as cheaply as possible.

Mr. LORIMER pointed out that the tramways to be constructed under the Bill
would not necessarily be feeders to the railways, but would be for the convenience of the public generally, and for this reason it would be well to leave the question of gauge open, to be decided according to the requirements of each particular case. A 5ft. 3in. gauge would in some instances be altogether unnecessary. It was a wrong gauge altogether, and he was quite sure that it would have been much better for the colony if it had never been adopted.

The Hon. J. A. WALLACE expressed the opinion that it would be better to leave the clause as it stood, as there were some localities, such as Gippsland, for instance, in which the adoption of a 5ft. 3in. gauge would entail great expense.

The amendment was negatived.

On clause 16, empowering local authorities to lease tramways, and providing, \textit{inter alia}-

"But nothing in this Act contained shall authorize any local authority to place or run carriages upon such tramway, and to demand and take tolls and charges in respect of the use of such carriages,"

The Hon. J. BUCHANAN moved the omission of the words quoted. He thought the local councils should have the power of working the tramways themselves in certain cases.

The Hon. F. S. DOBSON expressed the opinion that the object which Mr. Buchanan had in view could still be achieved, although the words the honorable member objected to were allowed to remain in the clause. The words merely prevented the local authorities from having any compulsory powers of running over other persons' lines, such as railway companies obtained, but they would not prevent private arrangements being entered into.

Mr. CUTHEBERT remarked that the provision to which Mr. Buchanan objected was contained in the English Act, because it was considered that it was not the province of local authorities to run tramways themselves, but that they should lease them to companies or private individuals. However, he could understand that the provision might be found unsuitable to some parts of this colony, such as Gippsland, where, perhaps, local bodies would have great difficulty in leasing any tramways they might construct. He had, therefore, no objection to the amendment.

The amendment was agreed to.

On clause 25, empowering the promoters of tramways to break up streets, &c.,

The Hon. P. RUSSELL asked whether, under the Bill, the promoters would have power to break up the whole of a street at one time, and thus interfere with the traffic of the cross streets?

Mr. CUTHEBERT observed that care had been taken to protect the interests of the ratepayers. The clause provided that the work must be done under the superintendence of the local authority, and that, without their consent, a greater length than 100 yards of a street could not be broken up at one time.

On clause 23, providing, \textit{inter alia}-

"All carriages used on any tramway shall be moved by the power prescribed by the order, and, where no such power is prescribed, by animal power only.

"No carriage used on any tramway which is hereafter authorized by order shall extend beyond the outer edge of the wheels of such carriage more than \text{ 11 inches} on each side, nor measure in width more than \text{ 7\frac{1}{2} feet}."

Mr. CUTHEBERT moved that the first blank in the clause be filled in by inserting the word "eleven," and the second by inserting "7\frac{1}{2} feet." He observed that the measurements he proposed were those adopted in New Zealand.

Mr. ZEAL suggested that special provision should be made in the clause for preventing the use of steam tramways in towns like Ballarat, Sandhurst, or Geelong. The steam motors in Sydney were an intolerable nuisance.

Mr. CUTHEBERT considered that the clause might be allowed to stand as it was. Carriages were to be drawn by the power prescribed in the order given by the Governor in Council, and he thought the matter might be safely left to the Governor in Council.

The amendment was agreed to.

The Bill, having been gone through, was reported to the House with amendments.

The House adjourned at nineteen minutes past six o'clock, until Thursday, October 12.

\textbf{LEGISLATIVE ASSEMBLY.}

\textbf{Tuesday, October 10, 1882.}


The Speaker took the chair at half-past four o'clock p.m.
POSTAL DEPARTMENT.

Major SMITH asked the Postmaster-General if it was a fact that, after allowing Mr. E. W. Pearson, of the Crossley Telephone Company, to make arrangements to start a telephone company at Ballarat, the Telegraph department had notified that they would decline to erect wires for any company in Ballarat; and if it was a fact that the department still permitted a private company to continue to operate in Melbourne as a Telephone Exchange? He observed that the following paragraph, which appeared in the Australasian of the 7th inst., showed the system which was being pursued in England:—

“Our Postmaster-General has decided to grant licences to different companies to establish telephonic exchanges throughout Great Britain. This licence does not confer special power to erect poles and wires on or under public or private property, but licensees will have to make their own arrangements with local authorities, or with people whose property has to be passed through. There can be no doubt this decision will give a vigorous spurt to the more general employment of the telephone.”

He was informed that Mr. Pearson represented a company, and that already a considerable number of people in Ballarat had promised to support the telephonic business he intended to establish. If a private company was allowed in Melbourne, why should one not be permitted in Ballarat?

Mr. BOLTON remarked that the question of establishing telephonic exchanges in country towns was under the consideration of the Cabinet, and had not yet been decided. Mr. Pearson's application had not yet been definitely dealt with, but as soon as the general question had been decided on by the Government he would be informed of the result. The Melbourne Telephonic Exchange was established during the administration of a previous Government, and the proprietors had simply been allowed by the present Government to continue operations.

GEELONG WATER SUPPLY.

Mr. BERRY asked the Minister of Water Supply whether he had yet received the report of the officer instructed to make a survey as to the best means of supplementing the water supply of Geelong and district; and, if so, what course the Minister proposed to take for the purpose of increasing the supply? Great anxiety was being felt on the subject in Geelong and the neighbouring municipalities.

Mr. C. YOUNG stated that he had received a preliminary report from Mr. Lutz with reference to increasing the supply of water to Geelong, and he expected to receive Mr. Lutz's main report on the following day or Thursday. As soon as it came to hand he would lay it on the table of the House, but, of course, until the Government had considered the report he could not say what steps it was intended to take to increase the water supply of Geelong.

RAILWAY DEPARTMENT.

Mr. HARRIS asked the Minister of Railways if he was aware of the insufficiency of the number of trains between Windsor and Melbourne? Some trains had been dropped out lately, so that the intervals between the starting of some of the afternoon and evening trains had been lengthened.

Mr. BENT remarked that there were not sufficient carriages available to enable the department to run trains more frequently between Melbourne and Windsor than was being done at present. He would, however, be happy to receive suggestions from the residents of the various suburbs with a view to rendering the time tables as convenient as possible.

Mr. HARRIS asked the Minister of Railways if he was aware that Mr. Grondons, a merchant, who was recently prosecuted and fined for travelling on the St. Kilda line without a ticket, was a regular season-ticket holder, but had, on the occasion in question, left his ticket in his coat pocket at his tailor's?

Mr. BENT said he was not aware of the circumstance.

PARLIAMENT HOUSE.

STONE FOR WEST FRONT.

Mr. MIRAMS asked the Minister of Railways if he would, on an early date, place a special train at the disposal of members of the House for the purpose of visiting the Mount Difficult freestone quarry, at Stawell, so that they might personally inspect the nature of the quarry, pending their decision upon the report of the select committee upon the question? He remarked that honorable members would be in a much better position to come to a practical decision with regard to the use of the Gram­pian stone after they had seen the quarry. (Mr. Berry—“Not necessarily; you would not know anything about it if you did see it.”) He was quite certain that honorable members would not know less after visiting the quarry than they did now, and it was probable that they would know a great deal more.
Mr. BENT stated that he would have much pleasure in acceding to the request of the honorable member for Collingwood (Mr. Mirams). It would be necessary, however, to make special arrangements for the portion of the journey from Stawell to the quarry, a distance of 18 miles, as an ordinary train could not run along the tramway.

**DOG ACT.**

Mr. KERFERD asked the Premier if he would consider the advisability of at once introducing a Bill to amend the Dog Act, an amendment of which was very much required at present? (Hear, hear.) A number of communications were being received from the country, from which it appeared that dogs had become a positive scourge, especially to small farmers, many of whom had had their sheep destroyed. He had received a printed circular, in which suggestions were made with regard to the amendment of the Act, and he would hand it to the Premier, so that he might consider it. He (Mr. Kerferd) gathered from the manner in which his question had been received by honorable members that the Government would have no difficulty in passing a short Bill on the subject.

Sir B. O'LOGHLEN observed that a Bill for the amendment of the Dog Act had been prepared, and the Government were anxious to see it passed, but there were many large questions yet to be dealt with by the House, and it was difficult, as the honorable member knew, to get a small Bill through under such circumstances.

Mr. KERFERD expressed the opinion that the Premier underrated the importance of the subject, and also the assistance he would receive from the House in dealing with it. He hoped the honorable gentleman would further consider the matter.

**AVOCA WATER TRUST.**

Major SMITH asked the Minister of Water Supply if he had any objection to lay on the table the proposals of the Lower Avoca Waterworks Trust before they were dealt with, so that he (Major Smith) might have an opportunity of testing the opinion of the House on the subject?

Mr. G. YOUNG stated that when any waterworks trust under the Water Conservation Act applied to the department for authority to carry out certain works, the plans and specifications, which they supplied, were referred to Mr. Gordon or Mr. Gale, the engineers of the department. No application of the kind had yet been received from the Lower Avoca Waterworks Trust. When the application was received, the petition which the honorable member for Ballarat West (Major Smith) brought before the House the previous week would be referred to the engineers along with it. He (Mr. Young) had no intention of submitting to the House each application received from a waterworks trust. (Major Smith—"Not when it is objected to by the people of the locality?") When it was objected to, the objection would be dealt with by the department.

**FIRE BRIGADES.**

Mr. LANGRIDGE asked the Premier if, during the recess, he would have a Bill prepared for the better management and regulation of the volunteer fire brigades? He remarked that there were between 2,000 and 3,000 members of volunteer fire brigades in the colony who were doing good service, but there were various difficulties which required to be met by legislation.

Sir B. O'LOGHLEN stated that a Fire Brigades Bill had been ready for the last four years; but the great difficulty in connexion with the measure was on the question as to who was to be responsible when property was pulled down. If the honorable member for Collingwood (Mr. Langridge) could suggest a solution of that difficulty, he (Sir B. O'Loghlen) would be happy to consider it.

Mr. CUNNINGHAM asked the Minister of Railways if free passes over the Victorian lines would be granted to members of volunteer fire brigades who intended to take part in the fire brigades demonstration at Sydney?

Mr. BENT replied in the affirmative.

**PETITIONS.**

Petitions were presented as follows:—By Mr. Keys, from inhabitants of the shire of Bulleen, south of the Yarra, and by Mr. Harper, from inhabitants of the township and shire of Heidelberg, with regard to the route of the railway from Alphington to Heidelberg; and by Mr. Inn, from inhabitants of Fern-tree Gully district, in favour of the line to Fern-tree Gully starting from Dandenong.

**RAILWAY CONSTRUCTION BILL.**

Mr. R. CLARK asked the Premier if he would postpone the order of the day for the consideration of the amendments made in committee in the Railway Construction Bill, in view of the fact that a public meeting was to be held at Sandhurst that night on the...
subject of the Heathcote and Sandhurst line, which had been struck out of the Bill.

Sir B. O'LOGHLEN remarked that the business of the House could not be postponed in consequence of the absence of one or two honorable members. Full notice had been given of the intention of the Government to have the amendments considered that day; in fact, they would have been considered the previous week but for an accident to the Minister of Railways, which prevented his attendance at the House. It was desirable, in every aspect, that the Bill should be read a third time and sent to the Upper House without any further delay. Let honorable members have some work, at all events, to show for the session.

Dr. QUICK (who, to put himself in order, moved the adjournment of the House, and intimated that he intended to speak to the subject of the Railway Construction Bill) observed that the Premier had misrepresented the reason given for the request that the consideration of the amendments in the Railway Bill should be postponed. The postponement was asked for by his honorable colleague in the representation of Sandhurst (Mr. Clark), not on the ground of the absence of any honorable members, but because a public meeting was to be held at Sandhurst that evening to protest against the monstrous injustice which the district had suffered by the excision of the Heathcote and Sandhurst line from the Bill.

The SPEAKER.—I would suggest to the Government, in view of the large number of new amendments which have to be considered in connexion with the Railway Construction Bill, that it would be more in accordance with parliamentary practice if the Bill were recommitted. Perhaps that course would also meet the views of the honorable members for Sandhurst and Mandurang in the application for the postponement of the Bill, as, although the honorable member took a certain course on a previous occasion, he (Dr. Quick) was quite sure that he would refuse to hear Sandhurst and to do justice to Sandhurst, his action might yet lead to the destruction of his Ministry. Sandhurst had spoken out in the past, and it was not afraid to speak out again. He could tell the Premier that within the last four weeks his Ministry had become extremely unpopular in Sandhurst where, at one time, it was somewhat favorably regarded. (Sir B. O'Loghlan—“That is the fate of all Governments.”) At the present moment the Premier and the Minister of Railways were about the best-abused men in the district. He (Dr. Quick) would ask the leader of the Opposition to assist the members for Sandhurst and Mandurang in the application for the postponement of the Bill, as, although the honorable member took a certain course on a previous occasion, he (Dr. Quick) was quite sure that he would aid the members for the district in resisting the proposal of the Government to rush the Bill through that night without allowing the people of Sandhurst an opportunity of being heard by petition.

Mr. McCOLL seconded the motion for the adjournment of the House.

Mr. BERRY observed that, as the honorable member for Sandhurst (Dr. Quick) had appealed to him as well as to the Government, he desired to say that he would be the last to support anything that would look like discourtesy or injustice to a large and important district like Sandhurst, and he would be glad to assist the honorable member for Sandhurst in obtaining any reasonable opportunity for protecting the interests of his constituents. He did not
know what prospect the honorable member had of securing the line he desired, even if he obtained the delay asked for, because it appeared to him (Mr. Berry) that, however distasteful to Sandhurst, the exclusion of the Heathcote and Sandhurst line certainly seemed to be the decision of the Assembly. However, he (Mr. Berry) rose to suggest, as he had no doubt that the Government desired to meet the wishes of a number of honorable members as far as they were able, that the members for Sandhurst might be able to secure the delay they sought without any interruption to public business. There was no doubt that the postponement of the order of the day would cause an interruption to public business, but he thought that course was unnecessary. It was utterly impossible to finish the Bill that night, as he held in his hand a large paper of amendments to be proposed by the Government themselves, and the debate on his (Mr. Berry’s) amendment with regard to the Koo-wee-rup Swamp would also occupy some time. He would suggest, therefore, that the order of the day should be gone on with, but that, if the Government succeeded in having all the amendments dealt with that night, the third reading of the Bill should be held over, so that any petition which might be adopted by the public meeting at Sandhurst could be presented before the Bill was disposed of.

Sir B. O’LOGHLEN remarked that the Government were quite willing to adopt the suggestion of the leader of the Opposition. The Government had no desire whatever to do anything discourteous to the members for Sandhurst or to Sandhurst itself. One of the members of the Government was a representative of Sandhurst, and no man had been more loyal and true to the interests of Sandhurst on the railway question than that honorable gentleman—the Minister of Mines. The Government had done all in their power to induce the committee to pass the Heathcote and Sandhurst line. (Dr. Quick—The Minister of Railways ran it down.) The honorable member for Sandhurst (Dr. Quick) might find fault with this or that which occurred, but the Government did their best to get the line carried. They made two, he might say three, attempts to carry it, and it was not until the committee came to a clear understanding that no more lines were to be included in the Bill that the Government abandoned the line from Heathcote to Sandhurst, and the line from Kerang to Swan Hill, which was also supported by the Sandhurst members. He saw by the newspapers that the honorable member for Sandhurst (Dr. Quick) had assailed the Minister of Mines at a public meeting at Sandhurst, and accused the Government of having acted treacherously towards Sandhurst. He greatly regretted that any honorable member should assail a fellow member for the same place in such a manner. Moreover, such a reading backwards of history he had seldom seen, for, instead of acting treacherously, the Government had behaved most loyally in endeavouring to get the Heathcote and Sandhurst and the Kerang to Swan Hill lines passed. He repeated that the Government were quite willing to accept the proposition of the honorable member for Geelong (Mr. Berry), and defer the third reading of the Bill until the following day. The honorable member who was so anxious that the views of his constituents should be known to the House would then have an opportunity of moving the amendment he desired, but he (Sir B. O’Loghlen) apprehended that, however anxious the people of Sandhurst might be to have the line from Heathcote to Sandhurst inserted in the Bill, they would have, like the Government, to accept the verdict of the majority of the House. The amendments which the Government intended to propose were merely formal matters.

Mr. FISHER considered that, if the Premier was really anxious to get on with the business of the country, he should yield to the solicitations of the honorable members for Sandhurst, and postpone the Railway Bill. The alterations to be proposed by the Government were not all merely formal matters. For instance, one amendment intended to be moved by the Minister of Railways was to make the limit of deviation in the line from Maldon towards Lanecoorie seven miles instead of five. He understood that this alteration was to be proposed in consequence of a deputation, introduced by the honorable member for Maldon, which waited upon the Minister the other day. The effect of the amendment, however, would be to take away from Mandurang the one little bit of line, two or three miles long, which it had obtained. With regard to the request of the honorable members for Sandhurst, he thought it was only fair that the people of Sandhurst should have an opportunity of approaching the House by petition, and he trusted the Premier would agree to the application for the postponement of the Bill for that purpose. He (Mr. Fisher) had no intention of “stone-walling” the Bill, but he must say that the conduct of the
Government in voting against the Kerang and Swan Hill line at the last moment, after having supported it all through previously, came upon him as a great surprise. He did not impute the slightest blame to the Minister of Mines for the rejection of the Kerang and Swan Hill line. He admitted that the honorable gentleman had worked loyally both for Sandhurst and Mandurang, but it appeared to him extraordinary conduct on the part of the Ministry as a whole to determine, at the last moment, to throw over the Kerang and Swan Hill line after previously supporting it. Their action was most unforeseen, most uncalled for, and most unjust.

Mr. MIRAMS submitted that the last speaker had given a very good reason why the course suggested by the leader of the Opposition, and assented to by the Ministry, should be adopted. He understood that the whole object for which delay was desired was to enable the people of Sandhurst to be heard by petition in reference to the Heathcote and Sandhurst line before the Railway Bill was finally disposed of. That opportunity would be afforded them by dealing with the report of the committee on the Bill now, and postponing the third reading of the measure until a future occasion.

Mr. BURROWES said he felt bound to protest against a statement made at a public meeting at Sandhurst by one of his colleagues (Dr. Quick) to the effect that if he (Mr. Burrowes) had been firm the Kerang and Swan Hill line would have been carried. It was not usual for one colleague to speak of another in that way in his absence. It was unfair, ungenerous, and ungentlemanly, particularly when the statement was not true. No one had given more attention to that line, or had pressed it more strongly, both early and late, than he had. He voted for it on four different occasions, and three times the Government, as a whole, supported it. The honorable member for Sandhurst (Mr. Clark) had been firm the Kerang and Swan Hill line when the last division on it took place, it would have been carried. (Mr. Burrowes—"Both the Minister of Lands and myself voted for it.") He was not aware that the Minister of Lands voted for it. At all events the Government, as a Ministry, voted against the proposal of the honorable member for Sandhurst (Mr. Clark) to re-insert the line in the Bill, after promising the honorable member that they would support it. The Government ought to have kept their word, and voted for re-instating the line. If they had done so, the proposal would have been carried. With respect to the Maldon and Laanecoorie line, there could be no doubt that the increase of the limit of deviation which the Minister of Lands intended to propose would be the means of diverting the line.

The SPEAKER.—It appears to me that this discussion is quite irregular. The proper time for it will be when the order of the day for the consideration of the report of the committee on the Railway Bill is called on.

Mr. R. CLARK asked if he could not speak on the motion for adjournment?

The SPEAKER.—It is irregular to discuss the subject of an order of the day on a motion for the adjournment of the House. I regret that I did not perceive the irregularity of the present discussion in the first instance; but, as it is now evident that it is irregular, it is my duty to call attention to the fact, and to prevent the discussion going on.

Mr. R. CLARK claimed to be entitled to speak on the motion.

The SPEAKER.—I have laid down the rule of Parliament, and I hope that the House will support me in enforcing that rule.

Major SMITHe remarked that the honorable member for Sandhurst (Dr. Quick), in moving the adjournment of the House, stated the subject which he desired to discuss. He would like to know if other honorable members would not be in order in discussing the same subject?

The SPEAKER.—I have already stated that the discussion is out of order. No honorable member is entitled to discuss the subject of an order of the day on a motion for the adjournment of the House.

The motion for the adjournment of the House was then put and negatived.

COUNCIL SUPPLEMENTARY ROLLS (1882) BILL.

The SPEAKER announced the receipt of a message from the Legislative Council, intimating that they had agreed to certain amendments in this Bill recommended by His Excellency the Governor, and inviting the concurrence of the Assembly therein.

Sir B. O'LOGHLEN moved that the House agree to the amendments. He explained that they consisted simply of the substitution of the "14th day of October" for the "10th day of October" in the 2nd and 4th clauses of the Bill, and that they were necessary for the proper working of the measure.

The amendments were agreed to.

MRS. JULIA GORDON.

Mr. McCOLL (who, to put himself in order, moved the adjournment of the House) said he desired to call attention to the case of Mrs. Julia Gordon and Mr. P. J. Martin, respecting a lease of certain land on the south bank of the Yarra. He had in vain tried to secure the appointment of a select committee to inquire into the case, in order that there should be no miscarriage of justice; and therefore there seemed to be no alternative for him but to adopt the course which he was now taking. The Minister of Lands had shown strange inconsistency in the case, inasmuch as, after expressing his willingness to appoint a board of inquiry, the honorable gentleman stated that Mrs. Gordon ought to seek her remedy in a court of law. Mrs. Gordon was the widow of a shipbuilder, who died in 1871. In '72 she obtained a licence for the land in question under the 49th section of the Land Act, her application for the licence being signed by about 500 persons, including a large number of the leading merchants of Melbourne. She continued paying the rent, which was £25 per annum, until June, 1876. She borrowed certain sums of money from Mr. Martin, and paid the whole interest, usurious as it was. She was called upon to sign a document after she was what was vulgarly called hooched. In fact, she was incompetent to understand its nature, as she had previously to be placed under restraint; and it was whilst she was under restraint that she was called upon to sign the document. A roll of notes was taken from her room by Mr. Martin. Some persons who were in the room at the time attempted to prevent him, but Mr. Martin threatened with an oath to lay violent hands on any one who opposed him. There was evidence to prove these facts, and also that another large roll of notes was taken from under her pillow. The document which Mrs. Gordon signed was partially prepared in the office of Messrs. Anderson and Co., a respectable firm of solicitors, who acted for her late husband. A bill of sale was registered against her for the amount of £1,600, and on learning the fact—knowing that she did not owe more than £400—her mind became affected. A medical certificate was given that she was unfit to manage her business. The Licensing Statute provided that when a publican was unable, from lunacy, to manage the business, trustees must be appointed to look after it, but that was not done in this case. He might remark that the case was one of serious importance—one in which the very honour of the colony was concerned, for it affected the character of Government officials, of magistrates, and of other men of high standing. The appointment of a select committee of the House to inquire into the case was necessary, not only to vindicate the character of the colony, but also to do justice to Mrs. Gordon, who had been shamefully and shamelessly aggrieved. Mr. Martin put a man in possession—a man named Keys, providore of the Golden Crown steamer, of which Mr. Martin was a proprietor. Sergeant Ellis called on Mrs. Gordon and took her to the Emerald Hill court-house. She went with him under the impression that the purpose for which she was wanted had something to do with her licence. When she got to the court-house, she was taken into a private room. Her own nephew was clerk of the bench, and, had he known how his aunt was being dealt with, he would have taken care of her. Sergeant Ellis got authority from a magistrate to put the woman under restraint, and she was afterwards taken from her house to gaol and locked up in a cell. Next morning she was visited there by magistrates. He might as well mention that the magistrate who sent her away with Sergeant Ellis, for his acts on this occasion, had his son, a mere youth, taken into Mr. Martin's employment at two guineas a week, although the son, from his education and experience, was not entitled to any such position. Dr. McCrea was called in to see Mrs. Gordon in gaol, and he directed that she should be sent to a lunatic asylum, as being out of her mind.

Mr. McKean suggested that the honorable member should reserve the details and bring them before a select committee of the House, or a board if one was appointed to inquire into the case.
Mr. McCOLL stated that he was greatly surprised at the suggestion of the honorable member for North Gippsland (Mr. McKean). He had proposed the motion in the absence of the honorable member, who intended to move the adjournment of the House and go into the whole facts of the case.

Mr. McKEAN remarked that this was the first he heard of anything of the kind. The honorable member for Mandurang (Mr. McColl) was evidently dreaming.

Mr. McCOLL said he would proceed with his narrative of the facts of the case from the year 1871 down to about a fortnight ago. He believed there were about 25 witnesses to depose to the truth of these facts. After leaving the gaol, Mrs. Gordon was taken to a Catholic convent, and she spoke in the highest terms of the treatment which she received whilst there from the Lady Superioress. (Mr. Bent—"You were promised a board by the Premier?") He wanted a committee of the House to be appointed. (An Honorable Member—"You are injuring your case.") If the Government would consent to the appointment of a committee, he would sit down without saying another word. (Mr. McKean—"You are wasting time, and spoiling your case.") He had tried every other means to get the case heard, but unsuccessfully. He had a repugnance to the case going to a board. It was evidently dreaming. In his opinion, however, no woman in the colony had more common sense, shrewdness, or a saner mind than Mrs. Gordon. In his opinion, however, no woman in the colony had more common sense, shrewdness, or a saner mind than Mrs. Gordon. Mrs. Gordon was at the convent eleven days; and while she was there two medical gentlemen—Dr. Graham, of Richmond, and Dr. Ryan, of Collins-street—were called in to see her. They looked at her, and asked her if she saw her children every night, to which her reply was—"Yes, in my dreams." They then left her, and afterwards two women came in to watch her. They stayed with her all night, she sitting on the bed with a shawl about her. Next morning Father Mulhall called on her, and what he said to Mr. Martin, after hearing his statement, gave it to him for five years. Mr. Martin, with other wealthy and influential men, had been again and again in the lobby of the House; and he (Mr. McColl) had been warned and begged not to move in the matter, on the ground that Mrs. Gordon was a lunatic. In his opinion, however, no woman in the colony had more common sense, shrewdness, or a saner mind than Mrs. Gordon. Mrs. Gordon owed him. When the Minister's predecessor, and the request applied to the honorable member for Rodney (Mr. Gillies), who was then Minister of Lands, for the licence for the land, and the honorable gentleman, after hearing his statement, gave it to him for five years. Surely that five years' possession recompensed him what Mrs. Gordon owed him. When the five years were up, she applied to have the lease made over to her, and what was the result? That the honorable member for Creswick (Mr. Richardson), who was then Minister of Lands, took evidence in her case for five days, and had so far decided it as to say that no more rent should be received from Mr. Martin, when he left office. Subsequently, he (Mr. McColl) called on the present Minister of Lands, but the reply he received was that the case was one for the law courts. He next asked that he might be allowed to see the evidence taken by the Minister's predecessor, and the request was granted. A difficulty, however, sprung up, for the papers were said to be missing. However, when he (Mr. McColl) mentioned what had been told him by the honorable member for Creswick, namely, that they were bound up in a quarto leather-covered book, another search was made, and eventually the volume was found, but half its contents had disappeared. There was
Mr. W. MADDEN stated that, as far as he was concerned, there was nothing behind the scenes. The facts of the case were very simple. When Mrs. Gordon became insolvent, all her right, title, and interest in the property in question went to Mr. Martin; but she now applied for the licence for it for Mrs. Julia Gordon. [ASSEMBLY.] Mrs. Julia Gordon.

no need just now to describe the nature of the evidence that was still in existence. Suffice it to say that it justified everything that had been done to drag the case into the light of day. At the present moment, the property in question, for which Mrs. Gordon refused £3,000 just three months before the official assignee sold it for £100 to Mr. Martin, was in the illegal possession of the latter, and from that day to this, a period of six years and a half, he had been receiving six guineas a week rent for it. Consequently, he must have been repaid what Mrs. Gordon owed him four times over. But he (Mr. McColl) would go no further into the affair. The Minister of Railways just now quietly advised him to call next day at the Lands-office, and he would do so before he took any other step.

Mr. McKEAN stated that he had no recollection of having ever said he would bring Mrs. Gordon's case forward on a motion for the adjournment of the House, as the honorable member for Mandurang (Mr. McColl) had done. It was never his intention to avail himself of the forms of the House in order to afford even charitable assistance to a person for whom he had acted professionally. If, however, the matter came properly before the House, he would take part in discussing it. The remarks of the honorable member for Mandurang were by no means what they ought to have been. Perhaps the best plan would be for the Minister of Lands to propose to refer the whole subject to either a select committee of five members or a board, by whose report the House could be guided. It was a bad thing for the House and the public to be impressed with the idea that in Mrs. Gordon's case there was something behind the scenes.

Mr. W. MADDEN stated that, as far as he was concerned, there was nothing behind the scenes. The facts of the case were very simple. When Mrs. Gordon became insolvent, all her right, title, and interest in the property in question went to Mr. Martin; but she now applied for the licence for it for herself, having made a declaration against Mr. Martin and his manager, charging the former with obtaining money under false pretences, and the latter with perjury. Under these circumstances, the only position he (Mr. Madden) could take up was to wait for these charges to be settled in the only way they could be settled, namely, in a criminal court, and consequently he held his hands until something was done. (Mr. McKean—"How can the poor woman do anything, she being a pauper?") There appeared to be no real difficulty in the way of something being done, and until it was done he could only bide his time. Neither the House, nor a select committee, nor a board was the proper tribunal to try a criminal case. How could any such body examine witnesses on oath? It was highly improper for the honorable member for Mandurang (Mr. McColl) to wash dirty linen in the Chamber in the way he had done. If the parties concerned took the action in the matter they were expected to take, the Lands department would afford them every facility. As for the evidence the honorable member alluded to, he (Mr. Madden) had never seen it.

Mr. GARDINER expressed the hope that the Government would consent to the appointment of a select committee to inquire into Mrs. Gordon's case. The mere fact that it had been hung up for three or four years was sufficient to justify the honorable member for Mandurang (Mr. McColl) in bringing it forward. Certainly, if it was not dealt with in some way, it would be continually cropping up in the House. He knew one member of Mrs. Gordon's family who was absolutely ruined by the action taken by the brewer referred to, because it compelled her to give up a certain course of study, which would have placed her in a very high and prominent position in the colony, and to devote herself to bringing up the children whose mother was in the lunatic asylum.

Mr. BARR observed that the weak point of the decision of the Minister of Lands in the present matter was that, while he held his hand, Mr. Martin remained in possession of the property, and in receipt of all the profits derivable from it. He (Mr. Barr) spoke only from hearsay, but it appeared to him that Mrs. Gordon was in a condition of pauperism induced by something like very great injustice; that the House was appealed to, as the highest court of the country, for a remedy for that injustice; and that the remedy ought to be applied. Honorable members might not be lawyers, but nevertheless a select committee of the House could very soon bring up a report on Mrs. Gordon's case that would be perfectly satisfactory. Rightly or wrongly, the woman had been done out of her property in a way that ought to be inquired into.

Mr. MASON thought, from what he knew of Mrs. Gordon's case, that it ought not to be hung up any longer, but there could be no doubt the way in which the honorable member for Mandurang (Mr. McColl) had
brought it forward had done it a great deal of harm. The best plan would be for the Government to give the House an opportunity of appointing a select committee composed of honorable members from both sides of the chamber to inquire into the whole matter. Mr. Martin asked the honorable member for Mandurang the other night to agree to such a committee, but he refused—he was bent on moving the adjournment of the House. Perhaps it would be well if the honorable members who wanted to really understand both sides of the question would look carefully at the statements contained in a letter published in the Age of the 15th September. They were as follows:—

"1st. Mrs. Gordon did not build the hotel, as stated, but I got it built, and paid every shilling it cost to build, and also paid £50 to the former licensee for his interest in the land on which the hotel is built. 2nd. I have no means of knowing whether Mrs. Gordon was temporarily insane or not when she signed the insolvency schedule at the request of Mr. Macdonnell, but I very much doubt if that gentleman would be a party to it. But I do know, from public documents, that her husband Mr. Mackon, Wilson, and Leonard prepared the schedule and filed it. It is best known to these gentlemen whether she was insane or not, I was no party to it. 3rd. It was not true that Mrs. Gordon, the late Minister of Lands, that she only owed me, at the time of insolvency, £450. I showed clearly to the mind of any unprejudiced man that she owed me £2738 17s. 6d. The account was sworn to by my late clerk, Mr. M. Hood, and proved before the Commissioner of Insolvency. If there has been a false statement made it was made on oath, and the documents are still in existence, and it seems to me there is an easy way of clearing the matter. 4th. I did not eject Mrs. Gordon from the hotel. I purchased the official assignee's interest in her estate, and got possession from him who sold under the advice of her solicitors. If the plea of insanity would hold good, as the party concerned wishes, I fear we would have a great many cases of swindling and perjury to deal with—that they involved accusations of swindling and perjury which could be investigated before magistrates, but which the Executive could not go into. That view entirely coincided with the opinion on the subject he (Sir B. O'Loghlen) had formed. The substance of the report was then sent to the Minister of Lands, and the parties concerned were informed of the line of procedure that was properly open to them. (Mr. McKeans—"You know they could not follow it.") A police court was the only place to which charges of swindling and perjury could be taken. Perhaps something might be done in the Equity Court, but it would be an expensive proceeding; whereas to swear an information before magistrates would not cost a penny. It would be a great comfort to the Government to get rid of the whole business by referring it to a select committee or to a board; but it was not easy to take such a step. What could the Government do with a matter which was entirely a personal one between the parties concerned? Certainly the Government ought not to be dragged into the affair in order that one of the parties to it might get cheap law. As for a select committee, how could a body of that sort deal with the rights or wrongs of an individual in a matter that was outside the administrative powers of the Government? (Mr. McKeans—"It is done every month.") He apprehended that the honorable member was wrong. (Mr. Mirrum—"Is there no grievance against the Crown?") None whatever. The Government were perfectly neutral in the matter.

Sess. 1882.—7 c

was that he withdrew a more or less practical notice of motion he had on the business paper with respect to Mrs. Gordon's affair, in order to be able to move the adjournment of the House, which would lead to nothing. What did he think perseverance of that sort would gain for him? The matter in question was not new, for it was ventilated by the late Government as well as by other Governments preceding them, and he (Sir B. O'Loghlen) did not intend to go at all into its merits on the present occasion. He would, however, state briefly how the Government stood with respect to it. Shortly after they came into office the papers in the case were sent to him by the Minister of Lands, and he read them carefully and formed an opinion upon them. They were then submitted to a confidential officer of the Government, who, after going into them thoroughly, reported that the charges contained in them were for a police court to deal with—that they involved accusations of swindling and perjury which could be investigated before magistrates, but which the Executive could not go into. That view entirely coincided with the opinion on the subject he (Sir B. O'Loghlen) had formed.

Mrs. Julia Gordon. 2017

Mr. Martin asked the honorable members who wanted to really understand both sides of the question would look carefully at the statements contained in a letter published in the Age of the 15th September. They were as follows:—

"1st. Mrs. Gordon did not build the hotel, as stated, but I got it built, and paid every shilling it cost to build, and also paid £50 to the former licensee for his interest in the land on which the hotel is built. 2nd. I have no means of knowing whether Mrs. Gordon was temporarily insane or not when she signed the insolvency schedule at the request of Mr. Macdonnell, but I very much doubt if that gentleman would be a party to it. But I do know, from public documents, that her husband Mr. Mackon, Wilson, and Leonard prepared the schedule and filed it. It is best known to these gentlemen whether she was insane or not, I was no party to it. 3rd. It was not true that Mrs. Gordon, the late Minister of Lands, that she only owed me, at the time of insolvency, £450. I showed clearly to the mind of any unprejudiced man that she owed me £2738 17s. 6d. The account was sworn to by my late clerk, Mr. M. Hood, and proved before the Commissioner of Insolvency. If there has been a false statement made it was made on oath, and the documents are still in existence, and it seems to me there is an easy way of clearing the matter. 4th. I did not eject Mrs. Gordon from the hotel. I purchased the official assignee's interest in her estate, and got possession from him who sold under the advice of her solicitors. If the plea of insanity would hold good, as the party concerned wishes, I fear we would have a great many cases of swindling and perjury to deal with—that they involved accusations of swindling and perjury which could be investigated before magistrates, but which the Executive could not go into. That view entirely coincided with the opinion on the subject he (Sir B. O'Loghlen) had formed. The substance of the report was then sent to the Minister of Lands, and the parties concerned were informed of the line of procedure that was properly open to them. (Mr. McKeans—"You know they could not follow it.") A police court was the only place to which charges of swindling and perjury could be taken. Perhaps something might be done in the Equity Court, but it would be an expensive proceeding; whereas to swear an information before magistrates would not cost a penny. It would be a great comfort to the Government to get rid of the whole business by referring it to a select committee or to a board; but it was not easy to take such a step. What could the Government do with a matter which was entirely a personal one between the parties concerned? Certainly the Government ought not to be dragged into the affair in order that one of the parties to it might get cheap law. As for a select committee, how could a body of that sort deal with the rights or wrongs of an individual in a matter that was outside the administrative powers of the Government? (Mr. McKeans—"It is done every month.") He apprehended that the honorable member was wrong. (Mr. Mirrum—"Is there no grievance against the Crown?") None whatever. The Government were perfectly neutral in the matter.

Mrs. Julia Gordon.
To them Mrs. Gordon's case was simply one in which very serious charges were brought against two or three individuals, it being impossible for Ministers to interfere until the accusations had been investigated before a criminal court. He might add that, from Mr. Martin's statements, it appeared that among other persons accused was the Hon. R. S. Anderson, a member of the other branch of the Legislature, who had written to him (Sir B. O'Loghlen) to state that the imputations against him were a tissue of falsehoods.

Mr. Richardson stated that it was quite true that Mrs. Gordon's case was submitted to him when he was Minister of Lands, but he did not remember that it involved the serious charges the Premier alluded to. No doubt the matter was a difficult one, and it was easy to understand why the Premier hesitated with respect to it. (Sir B. O'Loghlen—"The honorable member must have misunderstood me; I did not hesitate; I decided.") He regretted exceedingly that a question of this kind should be brought forward on a motion for adjournment, and, had it not been for the way in which he had been connected with the case of Mrs. Gordon, and the incorrect views which had been expressed upon it, he would not have spoken on the subject. The Minister of Lands was right in saying that, as the question was of a criminal character, it should be referred to a court of law, and that no Minister should interfere with its settlement unless he had been a party to the injury which was alleged to have been done. But the honorable gentleman also said that the matter in dispute was purely one between Mr. Martin and Mrs. Gordon, a statement which he (Mr. Richardson) could not endorse. The manner in which the case came before him gave him a very different aspect of the question. He was informed that Mrs. Gordon had a lease of a piece of land on the south bank of the Yarra, and that she built a house upon it. She got into trouble, and the lease was transferred to Mr. Martin. Mrs. Gordon, however, objected to the lease being issued to him on the ground that he had defrauded her. A dispute of this kind was not one for a court of law, but for the Lands department to consider, the simple question being whether Mrs. Gordon or Mr. Martin should have the lease, or whether neither of them should have it. It was with this feeling that he went into the case. The statements which were made to him showed an extraordinary state of things to have existed.

They showed that Mr. Martin had advanced money to Mrs. Gordon to enable her to build a house on the land in question. It appeared that Mrs. Gordon got into difficulties, and, as she stated, at the suggestion of Mr. Martin, filed her schedule. This, it was asserted, was done in collusion with Mr. Martin in order to secure him as against Mrs. Gordon's other creditors. She did not apply for possession of the lease of the land, but asked that it should not be handed over to Mr. Martin. She gave him a bill of sale in return for the pecuniary advances which he made, and it appeared that this bill was renewed from time to time, and the renewals were added together until Mr. Martin made out Mrs. Gordon to be indebted to him to the extent of £917, and, finally, £1,719. (Mr. Berry—"What was the original amount?") The original amount was something like £480. She told him (Mr. Richardson) the amount of her capital when entering the business, and the amount which she borrowed from Mr. Martin, and the two together made up exactly the sum which she paid for the building of her house. The contractor, also, gave evidence as to the amounts which he received from Mrs. Gordon and from Mr. Martin. These amounts were paid to him in small sums, showing that they were taken out of Mrs. Gordon's business. She stated that when she filed her schedule it was a friendly arrangement between Mr. Martin and herself. The question was whether Mr. Martin was entitled to occupy the land, and it was his (Mr. Richardson's) business to inquire into the equities of the case. From the evidence which he obtained, he felt that Mrs. Gordon had been defrauded, but there would always be the fact to stare any Minister of Lands in the face, when attempting to deal with the case, that she was a party to the collusion which was entered into with the object of defrauding her creditors. The question of collusion had nothing whatever to do with the Lands department. (Sir B. O'Loghlen—"It is a case of collusive insolvency which should be dealt with in a court of law.") The Lands department had nothing to do with that part of the question. If there was prima facie evidence of a criminal offence having been committed by Mr. Martin, the Minister of Lands would not be justified in handing the lease over to him. A criminal charge was a matter entirely for the consideration of the Supreme Court, whereas the Lands department had only to deal with the question of the occupation of the land, and the disposal of the lease. The Minister of Lands could
not possibly be justified in allowing Mr. Martin to get the lease, and that was the view which he (Mr. Richardson) took at the time when he was head of the department. The whole case was surrounded with difficulties, and he did not deal with it simply because the evidence before him was incomplete. He was waiting for the production of certain cheques, receipts for which Mrs. Gordon held, and until they were forthcoming and the evidence completed he did not think himself justified in finally dealing with the case. Further than that, he was of opinion that in a dispute of the kind every latitude should be given to the parties concerned, so that they might be enabled to produce all the evidence they could obtain, and that was another reason why he refrained from giving a decision. It was now some considerable time since he had the facts before him, and, as they were not then complete, it was quite possible that the evidence subsequently produced would have the effect of changing his opinion, but at present he felt perfectly sure that a great wrong had been done to Mrs. Gordon. No doubt she had been in collusion with Mr. Martin, and her action in this particular respect could not be defended, but the exactly similar action of Mr. Martin should prevent him from getting hold of the lease which he wished to obtain. In conclusion, he thought the Minister of Lands would act wisely in appointing a board or some other body that would consider the equities of the case without compelling Mrs. Gordon to prosecute Mr. Martin on a criminal charge in a court of law.

Mr. WALSH expressed his regret at the time of the House being occupied with a matter of such small importance as that which the honorable member for Mandurang (Mr. McColl) had brought forward. In his opinion, the question was essentially one for the law courts to decide, and he would not have addressed the House upon it were it not that he had been placed in possession of some important facts in connexion with it. The whole matter was contained in a nutshell. The advances which Mr. Martin made to Mrs. Gordon were covered by a mortgage. When Mrs. Gordon became insolvent, Mr. Martin, in the ordinary course of events, purchased from the official assignee, for about £100, the equity of redemption of the building which had been erected on the land on the south bank of the Yarra. It was not necessary for the House to stop to inquire into the liabilities which Mrs. Gordon had incurred in regard to Mr. Martin, but it appeared that, although in her schedule she stated that her indebtedness to Martin amounted to £1,500, her real indebtedness to him was about £1,700. Mrs. Gordon obtained her certificate of discharge, and there the matter rested, the whole transaction being a very simple one. He failed to see the propriety of her friends, under cover of parliamentary privilege, bringing the matter before the House and occupying several hours in its discussion, charges of perjury being freely made against certain of the parties concerned. It should be remembered that on the one hand there were the sworn statements of Mr. Martin and his clerks, who, if they had been guilty of perjury, could be prosecuted, and that on the other hand they had merely the statement of Mrs. Gordon, who averred that she had been defrauded of her property. He (Mr. Walsh) was informed that Mr. Martin courted the fullest inquiry into his conduct, and was prepared to submit his claims, in opposition to those of Mrs. Gordon, to the judgment of a select committee of the House if it was desired. If the Premier would ask that the matter should be submitted to a committee of five or six legal members of the House, the whole requirements of the case would be met, as Mr. Martin had expressed his willingness to abide by the decision arrived at. Meanwhile the charges of perjury which had been made should not be tolerated in the House, as they placed Mr. Martin in a very peculiar and unsatisfactory position.

Mr. NIMMO remarked that he was unacquainted with the facts of the case, but he regretted that the dispute between Mr. Martin and Mrs. Gordon should be allowed to occupy so much valuable time, while important questions, affecting the public weal, were waiting to be dealt with. From what he could hear of the case he thought there were only two points which ought to be considered, and they were—Was Mrs. Gordon rendered insolvent by any act of the Lands department? and did the Lands department give Mr. Martin any undue advantage over Mrs. Gordon? The House had nothing whatever to do with the charges of perjury which had been made. They must be referred to the courts of law. He suggested that a board should be appointed to deal with the two questions which he had indicated as containing the kernel of the dispute so far as it affected the Lands department, as a board could deal with and finally settle the matter in half-an-hour, whereas it could not be satisfactorily decided in the House at all.
Mr. McCOLL said he desired to explain that Mrs. Gordon went insolvent in order to prevent Mr. Martin from acting upon the bill of sale which he held over her house, and in order to secure justice. There was no collusion between them, and she had no creditors other than Mr. Martin.

The motion for the adjournment of the House was then put and negatived.

ASSENT TO BILL.

Sir B. O'LOGHLEN presented a message from the Governor, intimating that, at Government House, that day, His Excellency gave his assent to the Legislative Council Supplementary Rolls (1882) Bill.

RAILWAY CONSTRUCTION BILL.

On the order of the day for the consideration of the amendments made in committee in this Bill, Mr. RICHARDSON moved that the Bill be recommenced, with the view of extending the line from Creswick to Spring Hill as far as Daylesford. He did not wish to detain the House at length on this question, and, if the Minister of Railways would say that he would agree to the recommittal of the Bill, he (Mr. Richardson) would at once conclude his remarks. Failing that, he would have to give some reason for proposing the motion. He quite agreed with the Government in thinking that, if possible, the Bill should not be recommitted, as every honorable member must be anxious to get rid of the measure, so that it might be transmitted to another place. In fact, he would like to see the Bill disposed of, so far as the Assembly was concerned, that night. (Mr. R. Clark—"The third reading will not take place till to-morrow.") Then he failed to see what objection there could be to recommitting the Bill that night, as no time would be lost by agreeing to that course. He could quite understand the desire of the Government to prevent the recommittal of the Bill, and would be willing to withdraw his motion if the object he had in view could be accomplished in any other way, but, as it could not, he would be compelled to state to honorable members why he was so anxious that the extension which he had indicated might be carried out. The Minister of Railways on previous occasions had said that the reason why the Government did not accept the proposal to extend the line to Daylesford was because they had not sufficient money to meet the expenditure which it would entail. On the last occasion when the question was before the House, the honorable gentleman placed a section and plan on the table showing that the extension could not be carried out, owing to it necessitating the construction of a viaduct some 90 feet high. He (Mr. Richardson) ventured to say that the survey was made along the wrong route, and that, there being no engineering difficulties to overcome if the proper route was taken, the objection urged by the Minister should not be regarded as having any weight. The Premier had admitted the pressing necessity existing for the connexion of the Ballarat and Creswick mines with the forest, and he (Mr. Richardson) quite agreed with him, but the difficulty up to the present had been to effect that connexion in the right place. Honorable members had been given to believe that the Government would consent to the extension of the Creswick line to Daylesford were the engineering difficulties of a nature to be easily overcome, and, as he was in a position to show that those difficulties were not of a serious character, he thought he was justified in asking that the extension might be included in the Bill. Since the Minister of Railways made the statement that engineering difficulties prevented him from accepting the proposal, evidence had been adduced to show that no such difficulties could arise. The Creswick Shire Council and the Creswick Borough Council had gone over the proper route of the line, accompanied by engineers whose opinions should have great weight. Mr. Zeal, a member of the other Chamber, accompanied the local bodies over the route on the previous Saturday, and, according to the newspaper report of the trip, he stated that the country was of such a character that the heaviest gradient which the line would require would be 1 in 50. That statement harmonized exactly with what he (Mr. Richardson) said when the plan produced by the Minister of Railways was laid on the table. Now, the Government having admitted the necessity of constructing a railway between the Ballarat and Creswick mines and the forests, and the engineering difficulties which were supposed to stand in the way having been shown to have no existence, the proposal to recommence the Bill and insert the extension to Daylesford should be at once agreed to. Since the last discussion on this subject, he had been informed that great difficulty would probably be experienced during the coming winter in obtaining a proper supply of timber for the mines. The directors of the mines at Spring Hill had told him that next winter they would require 30,000 cords or about 80,000 tons of wood, and this estimate, which was a
very moderate one, did not include a large number of mines which, though not using firewood at the present time, would require to use it by the approach of winter. The price of wood during the past winter was £2 5s. a cord, so that the total cost to the miners was very great. Firewood, however, was not the only thing required from the forests, as a large quantity of timber was needed in the mines for other purposes. A considerable amount of sawn timber would be used in the erection of machinery, but he was convinced that the returns to the Railway department for the carriage of firewood alone would be sufficient to pay the interest on the money expended on the construction of the line. The shire council of Creswick were ready to pay the interest on the money if need be, and, to show that they were reasonable in making this offer, they had furnished him with statistics showing that last year they devoted £3,900 to the maintenance of roads affected by the traffic created by the mining industry, and they stated that, in spite of that large expenditure, the roads were sometimes in an almost impassable state. The cost of carting was so great that, as he had said, the price of firewood was raised to £2 5s. per cord. The shire council had set apart for the maintenance of roads during the coming year £4,900, which was a much higher sum than would be sufficient to pay the interest on the expenditure on the construction of the line. The shire council were satisfied that, if the line was constructed as far as Daylesford, it would return to the State at least 18½ per cent. on the money expended.

Mr. R. CLARK (who seconded the motion) remarked that he was sorry that he was not present when the alteration took place between his two colleagues in the representation of Sandhurst, with regard to something which had appeared in the Sandhurst papers. He believed the papers made a great deal more of what occurred on the occasion in question than there was any necessity to do, but he had no doubt that his honorable colleague (Dr. Quick) spoke impulsively, or he would not have said what he did. One great argument in favour of committing the Bill was the fact that the Government had supplied a list of no less than 34 different amendments which they themselves intended to propose in the Bill. Some of these were not formal amendments, but entire changes. For instance, the amendment on the 34th schedule would be an entire alteration of the Maldon and Laanecoorie line. (Mr. Bent—"The only alteration is making

the limit of deviation seven miles instead of five.") In all his experience in the House he had never known a Bill altered so often at the instance of the Government as the present Railway Bill had been. The Bill had been so altered that it could not be recognised as the one originally introduced. One reason why he supported the recommittal of the Bill was, he regretted to say, that the district he represented had not been treated well by the Government, or by the House. Although the Kerang and Swan Hill line was included in the Bill, and the Government announced their intention of sticking to it, yet, at the last moment, they turned round and voted against its reinstatement in the measure, after it had been struck out. The Minister of Railways stated that the Kerang and Swan Hill line was the best in the Bill, and the Government could not plead want of funds for opposing it in the last division, for it was well known that there was a balance of £112,000, or more, remaining unalotted, with which the line could have been constructed. The Premier, however, took the responsibility of making an arrangement across the table, with a member of the direct Opposition, by which, if the Beeac line was negatived, no other line was to be added to the Bill. He (Mr. Clark) considered that the members for Sandhurst and Mandurang had strong reason to complain of the way they had been treated, both in the matter of the Kerang and Swan Hill line, and the Heathcote and Sandhurst line. The latter line was of the most vital importance to the mining interest, as timber was becoming more scarce, and consequently dearer, every year, and, if the line were made, timber could be brought into Sandhurst by it for almost one-half the price which was paid now. There were 2,500 miners employed in the Sandhurst district, and he thought it would be only fair for the House to assist the mining industry by constructing this line. The Minister of Railways, however, appeared to have prejudices against the line from the first, and he (Mr. Clark) had to complain of the unfair conduct of the Minister in appearing absolutely to court opposition to the line, although it was included in the Bill as proposed by the Government. Considering the number of amendments the Government themselves had to propose, he thought they could not do less than allow the Bill to be recommitted.

Mr. WHEELER said he questioned very much the wisdom of recommitting the Bill, as he feared that if it was recommitted it would be a few months more before the
measure left the House. He desired to point out to his honorable colleague in the representation of Creswick (Mr. Richardson) that the extension of the Creswick towards Daylesford line could be moved in connection with an amendment of which the Minister of Railways had given notice, and he (Mr. Wheeler) had already given notice of proposing the extension when that amendment was submitted. Since the matter was last under consideration, two engineers of high standing had surveyed a new route on which they stated the gradients would not exceed 1 in 50, and, as the previous opposition of the Government to the extension was chiefly based on the impracticability of the line, he hoped the discovery would induce them to accept the proposal when it was again brought forward. There was no doubt that it was of the utmost importance that the line from Creswick should be continued as far as Daylesford, as the mines at Spring Hill and Creswick were suffering greatly from the want of an adequate supply of firewood. With regard to the lines from Kerang to Swan Hill and from Heathcote to Sandhurst he would point out that they could be proposed on the third reading of the Bill, so that there was no necessity for recommitting the Bill on their account.

Sir B. O'LOGHLEN remarked that he would ask the House to come to a vote on the motion for the recommittal of the Bill without further debating the question. He would remind honorable members that when the Bill was last before the committee a general understanding was arrived at by which the Government and individual members severally gave up their partialities and predilections for the purpose of having the Bill closed, the honorable member for Castlemaine (Mr. Pearson) acting as the mouth-piece of the Opposition. (Cries of "No.") The fact that the honorable member for Castlemaine expressed the feeling of the committee was shown in the division which followed. The Government acceded to the general wish of the committee, although they were anxious that there should be another division on the Kerang and Swan Hill line. (Major Smith—"Oh!!") He might also inform the honorable member for Ballarat West (Major Smith) that the line from Beeac to Scarsdale was originally in the Railway Bill when it was before the Cabinet, although it had to be afterwards omitted. There were a number of lines not in the Bill which would be of great local advantage, such, for instance, as the extension advocated by the members for Creswick, if it could be constructed on a gradient of 1 in 50; but, at the same time, the Government could not recede from the agreement they had made with the committee that no more lines should be added to this particular Bill. It might be necessary to introduce another short Railway Bill next session. A very few months would demonstrate whether the mining industry in the Ballarat, Creswick, and Sandhurst districts would continue to progress at the rate it was doing, and, if the progress was continued, there was no doubt that there would be a tremendous demand for firewood, and that some of the lines now urged by honorable members would be absolutely necessary. (Major Smith—"Why not propose the extensions now?") Because, as the honorable member had been already informed, there was no money available for the purpose, and the Assembly had come to the deliberate conclusion to include no more lines in the present Bill. If the extension of the Daylesford line as far as Creswick, and the construction of a line from Sandhurst in the direction of Axedale, were proved within the next few months to be of pressing importance to the mining industry, he apprehended that the House would not hesitate to place a sum of £100,000 or £120,000 on the next year's Estimates for the purpose of constructing them. He would ask the House, however, to adhere to the determination arrived at by the committee the other night, and not to ruin the present railway scheme by over-loading it with lines which there was no money to construct. Besides the two lines he had mentioned there were a number of other small lines which various honorable members were anxious to secure, and if the Bill was re-opened those honorable members would consider that they had just as much right to the consideration of the House as the honorable members for Ballarat, Sandhurst, or Creswick. Therefore the only business way of dealing with the question was to adhere to the decision which had been arrived at, and to send the Bill in its present shape to the Legislative Council. He would ask those honorable members representing districts in connexion with which lines had been passed to unite in order to carry the Bill through as it stood, and to prevent its usefulness being endangered by the addition of lines for which there was no money. (Mr. Fisher—"Shame!") No doubt the honorable member for Mandurang (Mr. Fisher) was irritated at the action of the committee on the Railway Bill, but he would remind the honorable members for
Mandurang that, when the committee determined that Sandhurst should not be the terminus of the line from Wandong, they went and voted in favour of Elmore being the terminus. Now the line to Elmore was promoted by the members for Rodney; it was the Rodney line. (Mr. Fraser—"A national line.") Why was it a national line? Simply because it brought the Moama and Deniliquin Railway 25 miles nearer to Melbourne. He did not blame the honorable members for Mandurang for voting for the Elmore line on local grounds, when they were disappointed in securing the line from Heathcote to Sandhurst, but he wished to point out to the members for Sandhurst that, as the Elmore route was only lost by one vote, if the matter was re-opened there was a great chance of that route being carried by one vote on the next occasion, and Sandhurst being again defeated. Under all the circumstances, he thought it would be most unwise to commence fighting over again battles which had been already fought out and decided, and he would therefore ask the House to negative the motion for the recommittal of the Bill.

Mr. FISHER observed that the Premier's speech was certainly a curious combination. In the first part of it he attempted to cajole the members for Sandhurst and Mandurang by holding out the prospect of £100,000 or £120,000 being placed on the Estimates next year if the Bill was allowed to pass in its present shape, and then the honorable gentleman, changing his tone, appealed to those honorable members who had already secured lines for their districts to unite, and defeat any attempt to insert other lines in the Bill. Was that a fair course for the head of the Government to suggest? He (Mr. Fisher) was forced to ejaculate "Shame" when the Premier made that suggestion, and he certainly did not think the suggestion at all became the leader of the Government. The Premier also made some sort of a charge against the members for Mandurang because they voted for the Elmore line, but surely, when the committee determined that Sandhurst was the terminus, now the line to Elmore was lost by one vote, if the honorable member for Castlemaine was accused of entering into any conspiracy on the subject; on the contrary, he rather thought the Premier fell into a trap on the occasion. It was difficult to avoid this conclusion when one thought of the hostile tone which had been invariably assumed towards the Kerang and Swan Hill line by a certain newspaper which professed to be the liberal journal of Melbourne, and to which certain honorable members, who were said to be members of that "mutual admiration society" of which so much had been heard, contributed those fine paragraphs in which they not only belauded themselves and slashed all their political enemies, but even disparaged those who were supposed to belong to the same political party, but who they conceived might possibly be in the way at one time or another. Because some honorable members who might perhaps be identified with the writings in that newspaper suggested something, the Premier at once jumped at it, but he (Mr. Fisher) was inclined to think that the Premier had fallen into a trap in doing so, as he would yet find to his cost. The honorable member for Castlemaine was not deputed to represent any party on that (the opposition) side of the House, and, although some honorable members who had already secured their railways might have called out and appeared to agree with the honorable member, the Premier was not justified on that ground in suddenly turning away from his protests in favour of what the Government themselves characterized as a "national line." He (Mr. Fisher) wished to call the attention of honorable members to a very strong reason for recommitting the Bill. The Bill was a very large one; it dealt with a large number of interests, and involved the expenditure of over £3,000,000. In the hurry of dealing with such a comprehensive measure in committee, was it not likely that some mistake had been made? It was almost impossible for a committee dealing with so many lines of railway to avoid making mistakes, and he (Mr. Fisher) maintained that several mistakes had been made. Now that honorable members had had time to calmly consider the matter, they should be afforded an opportunity of saying whether it would not be better that certain lines at the last moment the Premier turned his back upon himself, and entered into a compact with the honorable member for Castlemaine (Mr. Pearson). By whom the honorable member for Castlemaine was accredited to act in the matter he (Mr. Fisher) was certainly at a loss to know. He did not accuse the Premier of entering into any conspiracy on the subject; on the contrary, he rather thought the Premier fell into a trap on the occasion. 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Railways Bill. [OCTOBER 10.] Railways Bill. 2023

Mandurang that, when the committee determined that Sandhurst should not be the terminus of the line from Wandong, they went and voted in favour of Elmore being the terminus. Now the line to Elmore was promoted by the members for Rodney; it was the Rodney line. (Mr. Fraser—"A national line.") Why was it a national line? Simply because it brought the Moama and Deniliquin Railway 25 miles nearer to Melbourne. He did not blame the honorable members for Mandurang for voting for the Elmore line on local grounds, when they were disappointed in securing the line from Heathcote to Sandhurst, but he wished to point out to the members for Sandhurst that, as the Elmore route was only lost by one vote, if the matter was re-opened there was a great chance of that route being carried by one vote on the next occasion, and Sandhurst being again defeated. Under all the circumstances, he thought it would be most unwise to commence fighting over again battles which had been already fought out and decided, and he would therefore ask the House to negative the motion for the recommittal of the Bill.

Mr. FISHER observed that the Premier's speech was certainly a curious combination. In the first part of it he attempted to cajole the members for Sandhurst and Mandurang by holding out the prospect of £100,000 or £120,000 being placed on the Estimates next year if the Bill was allowed to pass in its present shape, and then the honorable gentleman, changing his tone, appealed to those honorable members who had already secured lines for their districts to unite, and defeat any attempt to insert other lines in the Bill. Was that a fair course for the head of the Government to suggest? He (Mr. Fisher) was forced to ejaculate "Shame" when the Premier made that suggestion, and he certainly did not think the suggestion at all became the leader of the Government. The Premier also made some sort of a charge against the members for Mandurang because they voted for the Elmore line, but surely, when the line from Heathcote to Sandhurst was defeated, they were justified in voting for another line which would go through Mandurang? In any case, it did not become the Premier, who, after all his protestations in favour of the Kerang and Swan Hill line, turned round and voted against it, to twit the members for Mandurang on a want of consistency. Night after night the Ministry protested that they intended to see the Kerang and Swan Hill line carried, and yet at the last moment the Premier turned his back upon himself, and entered into a compact with the honorable member for Castlemaine (Mr. Pearson). By whom the honorable member for Castlemaine was accredited to act in the matter he (Mr. Fisher) was certainly at a loss to know. He did not accuse the Premier of entering into any conspiracy on the subject; on the contrary, he rather thought the Premier fell into a trap on the occasion. It was difficult to avoid this conclusion when one thought of the hostile tone which had been invariably assumed towards the Kerang and Swan Hill line by a certain newspaper which professed to be the liberal journal of Melbourne, and to which certain honorable members, who were said to be members of that "mutual admiration society" of which so much had been heard, contributed those fine paragraphs in which they not only belauded themselves and slashed all their political enemies, but even disparaged those who were supposed to belong to the same political party, but who they conceived might possibly be in the way at one time or another. Because some honorable members who might perhaps be identified with the writings in that newspaper suggested something, the Premier at once jumped at it, but he (Mr. Fisher) was inclined to think that the Premier had fallen into a trap in doing so, as he would yet find to his cost. The honorable member for Castlemaine was not deputed to represent any party on that (the opposition) side of the House, and, although some honorable members who had already secured their railways might have called out and appeared to agree with the honorable member, the Premier was not justified on that ground in suddenly turning away from his protests in favour of what the Government themselves characterized as a "national line." He (Mr. Fisher) wished to call the attention of honorable members to a very strong reason for recommitting the Bill. The Bill was a very large one; it dealt with a large number of interests, and involved the expenditure of over £3,000,000. In the hurry of dealing with such a comprehensive measure in committee, was it not likely that some mistake had been made? It was almost impossible for a committee dealing with so many lines of railway to avoid making mistakes, and he (Mr. Fisher) maintained that several mistakes had been made. Now that honorable members had had time to calmly consider the matter, they should be afforded an opportunity of saying whether it would not be better that certain lines
which had been left out should be included in the Bill, and whether certain lines which had been passed should not be struck out. It was only a recommittal of the Bill which would afford that opportunity for reconsideration. (Mr. Gillies—"We want to know what lines you are going to strike out before we agree to a recommittal.") He did not wish to give any information on that point at present; he only wished to anticipate so far as to contend that it was desirable to reconsider the Bill. Reference had been made to the last division on the Kerang and Swan Hill line when the railway was defeated by 34 to 17, and it was said that, even if the Ministry had voted with the minority, the line could not have been carried. But if the eight Ministers had only brought two followers with them—and surely this was not a Ministry without even two followers—and had voted for the Kerang and Swan Hill line, the majority would have been the other way. In any case 84 members did not constitute a clear majority of the House, and, if the Bill was recommitted, it was probable that there would be a larger vote. He trusted the Government would offer no serious opposition to the recommittal of the Bill.

Mr. NIMMO stated that, when he endeavoured to get the Albert-park and Elwood line reinserted in the Bill, several honorable members opposed the proposition, on a variety of grounds. The honorable member for Kara Kara alleged that the people of Emerald Hill and St. Kilda did not want the line; but the honorable member's statement was incorrect, as was proved by the fact that the honorable member for St. Kilda (Mr. Harris) had since presented a petition from inhabitants of St. Kilda, Emerald Hill, and Elwood, praying the House to reinsert the line in the Bill. He (Mr. Nimmo) had been asked to take further action in the matter, but he pointed out to those who spoke to him on the subject that the Assembly had decided that no more lines should be authorized, as all the money available for railway construction would be absorbed by the lines already sanctioned. It was, however, a curious fact that several honorable members who, on the last occasion, voted against restoring this line to the Bill, on the ground that there was no more money for railway construction, were going to vote for reinserting another line, which would cost about £120,000, whereas the Elwood line would cost only £13,000. He could not understand the consistency of those honorable members. The lines already sanctioned would absorb all the money for railway construction allotted out of the £4,000,000, and £600,000 in addition. The revenue, in fact, had been forestalled to the extent of £600,000. In the light of these facts, why should honorable members waste a whole night in debating impracticable propositions? He trusted that they would finish the Bill, and get it sent to the Legislative Council at once. It was standing in the way of other important business.

Mr. McCOLL remarked that the Premier's expressions of sympathy for the unfortunate position in which the members for Mandurang were placed was quite uncalled for. Though they were beaten in their efforts to get a railway from Sandhurst to Heathcote—a line which would develop a large trade in marble, granite, freestone, and timber—they did not want the honorable gentleman's sympathy. They wanted no man's pity. Although he (Mr. McColl) voted for the line from Heathcote to Elmore, he did so on different grounds from those on which he advocated the line from Sandhurst to Heathcote. He might mention that indications of coal had been found on the route between Wodonga and Elmore, and the Minister of Mines had promised that an expert would be sent to inspect the country, with the view subsequently of having it tested with a diamond drill. He also believed that coal would be found near Mount Camel. He would go heartily for a line between Heathcote and Elmore, but the line which he was most anxious to see constructed was one from Sandhurst to Heathcote. That line was absolutely necessary to enable Sandhurst to obtain timber to carry on its mining operations, and also to afford facilities for the people of Heathcote to maintain their commercial relations with Sandhurst. The Government, however, were apparently ready to carry their Railway Bill regardless of the claims of the people of Sandhurst and Heathcote. The measure was called a "Railway Bill," but he had seen it described as "a bait to the constituencies," "a hot-bed of corruption," "an octopus," "a fishing Bill," "a bribery Bill," "a bundle of hay," "an accommodation Bill," and also as "a bunch of carrots." He would like to know under which designation the Ministry intended to push the measure through? He approved of the extension of the line from Maldon towards Laanecoorie when it was agreed to the other evening, but he now found that the extension was to shun the liberal portion of the Mandurang electorate, and to be carried through a conservative district. The Bill ought to be recommitted.
in order that honorable members might fully consider the proposal of the Minister of Railways as to the Maldon and Laanecoorie line, even if no other reason.

Mr. BENT said he was surprised at the honorable member for Creswick (Mr. Richardson) asking that the Bill should be recommitted, and also that the honorable member for Ballarat West (Major Smith) seemed desirous for its recommittal. The latter honorable member had night after night said to the Government—"Get on with your Railway Bill," and yet he wanted to prevent them getting on with it. The Government were anxious to have the measure disposed of as soon as possible. He felt bound to oppose the recommittal of the Bill. The only amendments which he intended to propose were of a formal character—amendments necessary to make the technical description of the routes of some of the lines complete—with the exception of one to extend the limits of deviation in connexion with the Maldon and Laanecoorie line from five to seven miles. That alteration was to carry out a promise which he had made, but the line would not be marked out until he visited the locality, and decided the precise route. There was no justification for the insinuation of the honorable member for Mandurang (Mr. McColl) that he intended the line to go through a conservative portion of the Mandurang district, and avoid the liberal portion. He challenged the honorable member to prove that he had been influenced to propose any of the lines contained in the Bill by the consideration of whether the members for the districts which they were intended to serve were conservatives or liberals. The honorable member for Sandhurst (Dr. Quick) had charged the Government with neglecting the interests of Sandhurst, but the honorable member remained away from the House for a whole week while the Railway Bill was under discussion. (Dr. Quick—"You were not here.") He had not been absent from the House one moment while the Bill had been under consideration. He had attended that night, though suffering considerable pain, in order to get the measure carried through. The honorable member for Sandhurst, at a meeting of his constituents, declared that the Bill was a bribery Bill, but what justification had he for doing so? Was the honorable member more honest than the Government? As to the Kerang and Swan Hill line, he (Mr. Bent) could say, without fear of contradiction, that he had used better arguments in support of that line, and had done more to persuade other honorable members to vote for it, than any one else. He had been much more sincere in his support of that line than the members for Sandhurst or Mandurang. (Mr. R. Clark—"You voted against it the last time.") He even voted with his colleagues in favour of the line from Henthcote to Sandhurst, though personally he did not believe in that line. It would never have been in the Bill but for the Minister of Mines. (Mr. Berry—"Why don't you go on with the Bill?") He could not allow some of the statements which had been made to the House to pass without observation. The honorable member for Geelong (Mr. Berry) voted the other night for the Beeac to Scarsdale line, though he (Mr. Bent) asked him where the money was to come from. (Mr. Berry—"That is not my business.") The honorable member was the first to find fault when the Government increased their liabilities. If the honorable member, as leader of the Opposition, had been willing that the appropriation of £200,000 per annum from the revenue for railway purposes should be continued for a year longer than the Bill proposed, the Kerang and Swan Hill line might have been carried. (Major Smith—"You opposed that line.") What was the use of the honorable member talking bun-kum? The honorable member had tried to get a line from Beeac to Scarsdale. (Major Smith—"Did you not promise that line?") He was the first Minister who saw the benefits to be derived from making a line in that direction, and the Government had provided for a line from Ondit to Beeac. The honorable member for Geelong complained the other night of the Treasurer exceeding the limit of the funds at his disposal, but the next moment the honorable member voted for increasing the expenditure by £100,000. Surely honorable members ought to show a little consistency. The honorable member for Sandhurst (Mr. Clark) complained that on the last occasion he (Mr. Bent) did not vote for the Kerang and Swan Hill line, but why did he not do so? Simply because all the money had been absorbed. (Mr. R. Clark—"It had not gone.") He asserted that it had. At one stage there was an estimated surplus available of £100,000, but, between then and the last division on the Kerang and Swan Hill Railway, other lines were inserted in the Bill, thus reducing the chances of carrying the Swan Hill line. He acted all along fairly and squarely in regard to that line, and he was anxious that it should be passed. (Mr.
Williams—"There is over £100,000 in hand now according to your own estimate.") Nothing of the kind. Several miles of railway were added to the Bill after it was found that there would be a surplus. If all the extra lines proposed by honorable members had been carried, there would have been about 250 miles additional. The honorable member for Geelong voted for some of them, although it was well known that there was no money to construct them with. The statement made by the honorable member for Sandhurst (Dr. Quick) that he dare not open his mouth against the Bill, lest by opposing any line he would injure his own district, was an abject admission for any honorable member to make. He (Mr. Bent) would leave the House before he would occupy such a degrading position. The honorable member said that he was hampered in regard to the Kerang and Swan Hill line. Why was he hampered over it? Was it not a proper line to construct? He (Mr. Bent) believed that it was one of the best lines which could be made, and he did his level best to carry it. He voted for it three or four times. (Mr. R. Clark—"You voted against it the last time.") He would repeat that he only voted against the line after the money to construct it was gone.

Major SMITH remarked that there could not be any objection to the Minister of Railways giving his version of the course which he and the Government had taken, but it did not alter the fact that, at the request—it might almost be said at the dictation—of the honorable member for Castlemaine (Mr. Pearson), the Government deliberately broke a promise which they made on the floor of the House to support the Kerang and Swan Hill line. The Government were guilty of a breach of faith both in regard to that and other lines. When the Minister of Railways made one of his tours in the Ballarat district, and the construction of a railway to enable that district to obtain an adequate supply of timber was spoken of, the honorable gentleman said if there was any line which could be called a national line that was the one. (Mr. Bent—"I did not.") The honorable member said either that or something very like it. (Mr. Bent—"I did not.") It was stated at a banquet.

Mr. BENT submitted that the honorable member was out of order in repeating the statement after he (Mr. Bent) denied that it was true.

Major SMITH said he, of course, accepted the honorable gentleman's denial, but he saw the statement in print, and he also heard it from persons who were present at the banquet.

The SPEAKER.—The rule of Parliament is that, if the truth of a statement imputed to an honorable member is denied, the honorable member who makes the charge is bound to accept the denial. He is not justified in repeating it from hearsay, or because he may have seen the statement in a public print.

Major SMITH observed that he always bowed with great respect to the ruling of the chair, and, therefore, he would not repeat the statement. He would, however, mention what was the effect produced by that which the Minister of Railways was supposed to have said on the occasion in question. The mining population on the gold-fields extending from Colac through Ondit, Scarsdale, Smythesdale, Haddon, and other townships, held public meetings at the prospect of a railway being constructed which would enable those localities, as well as the districts of Ballarat, Creswick, and Clunes, to obtain a supply of timber for mining purposes from the largest and most productive forest in the colony. Had not the Premier stated that night that the Beeac and Scarsdale line was in the Bill as it was submitted to the Cabinet? (Mr. Bent—"So it was.") Then that fact would justify the Minister of Railways in making the statement which he was supposed to have made on the occasion referred to. When it was found that the Government broke faith, both in regard to that line and to the line in which the honorable members representing the large districts of Sandhurst and Mandurang were specially interested, surely there was nothing unfair in honorable members joining their forces together to endeavour to get justice done to their respective districts. If the Minister of Railways would fix a day for getting rid of the Bill, and would determine to sit until it was disposed of, he would assist the honorable gentleman, even if it was necessary that the sitting should extend over Saturday or Sunday. The Opposition, it was well known, were anxious to get rid of the Bill, but it was a miserable pretence on the part of the Government to say that they wanted it got out of the way. The Minister of Railways had described the Bill as an octopus, which would grasp every member more or less. (Mr. Bent—"I did not.") The honorable gentleman told him so himself, and, therefore, he could not deny the statement. (Mr. Bent—"I do deny the statement.") He believed that he could produce half-a-dozen members who
heard the Minister say so. (Mr. Bent—
"I did not.")

The SPEAKER.—Order, order.

Major SMITH said he did not in the slightest object to being interrupted by the Minister of Railways. The honorable gentleman's interruptions did not disturb his equanimity.

The SPEAKER.—Whether the honorable member objects or otherwise does not alter the law of Parliament, which is that interjections are disorderly.

Major SMITH submitted that the honorable member who was addressing the chair had a right to reply to any interjections which were made in the course of his speech.

The SPEAKER.—Flat contradictions as to matters of fact are not permitted by the Speaker of the House of Commons.

Major SMITH said that he would be no party to “stone-wall” the Bill. If the Minister of Railways would announce that this was to be positively the last night of the Bill, he would be very glad to sit through the whole performance, however long it might last. For the last five months the Railway Bill had been the only fare placed before honorable members by the Government, and it was time that it was got rid of. The Government, however, did not want to be cleared out of the way. It had already been recommitted two or three times, and he was afraid that it would be recommitted again, and would be kept before honorable members until after Christmas. He would feel compelled to vote for the recommittal, because gross injustice had been done to two important districts of the colony, but he would vote for the recommittal with great reluctance, as he was very anxious that the measure should be done with. He repeated that he would be no party to “stone-wall” the Bill. What honorable members had to look at was that, at the end of five months over the Bill, the House was still engaged upon it. At the same time, the Government had had more consideration from the Opposition than was accorded to any of their predecessors. For example, they had not experienced one-tenth of the obstruction the late Government had to encounter at the hands of the present Premier when he sat in the opposition corner. There was no need for him (Major Smith) to express his opinion of the Bill, for he had done so sufficiently often already. No one knew better than the Minister of Railways and the Premier that it was employed to keep all sections of the House together, honorable members quite realizing to themselves how soon they would have to go to their constituencies. Indeed, there was no denying the Minister of Railways credit for artfulness. What the Opposition desired was that the Railway Bill should leave the Assembly chamber. (Mr. R. Clark—“What will happen then?”) Perhaps the honorable member for Sandhurst (Mr. Clark) was able to remember what happened to the late Government just after the Reform Bill was carried. (Mr. Kerferd—“That Government wanted repose.”) Their successors were in the same position. The beautiful performance of June, 1881, might possibly be repeated. (Sir B. O’Loghlen—“Come on.”) Perhaps the confidence expressed by the Premier would not prove a lasting commodity. What the Opposition felt was that the sooner the Railway Bill was got rid of the sooner would the House be sent to the country, and the better it would be for the country. From end to end of Victoria, the people were sick and tired of the present Assembly. The Government, however, did not want to go to the country, because they knew that they would probably come back from it as the Ministry that last appealed to it did—a little weaker than before. With the Railway Bill disposed of the air would be cleared, honorable members would know where they were, and probably the Government would discover the fighting power of the Opposition to be as strong as ever.

Mr. McINTYRE remarked that there appeared to be a desire in certain quarters to recommit the Railway Bill because of the alterations in the schedule relating to the Maldon extension, but there was really no ground whatever for any feeling of the kind. It did not much matter that the members for Mandurang took the view he alluded to, but it was altogether too much for the members for Sandhurst to follow the example. In the first place, he had had nothing to do personally with the Maldon line. Neither directly nor indirectly did he ask the Government to include it in the Bill. Again, it could not be said that the change in the 34th schedule really interfered with what the Mandurang and Sandhurst members wanted. Furthermore, the Maldon people never desired the alteration, which was rather detrimental to their interests than otherwise, because it would carry the railway eastwards, that was to say, out of their district into that of Mandurang. No doubt Sandhurst was ill used in the matter of railways, nor could it be denied that Ballarat was also injured by the Bill, but, after all said and done, whom had they to blame? Had
they acted unitedly from the first, they would have easily secured justice. As for the proposed recommittal of the Bill, he was unable to support any course of the kind. Not because he had any feeling against either Sandhurst or Ballarat—quite the contrary—but because he was unwilling to open the door to interference with the district he represented. He was not at all inclined to allow Maldon interests to become a football for Mandurang or Sandhurst to kick.

Mr. QUICK thought that the very simple remark that fell from his honorable colleague (Mr. Clark) with relation to the new schedule for the Maldon line had been rather exaggerated by the honorable member for Maldon, because it was certainly not intended to be antagonistic to Maldon interests. What it was designed to express was that the serious alterations made in the Bill were sufficient to justify its recommittal. Indeed, the honorable member for Maldon might rest assured that the assistance he had rendered to Sandhurst interests in connexion with the Railway Bill did not pass unrecognised, and also that it would not be unreciprocated. He (Dr. Quick) would not have risen on the present occasion but for the bitter attack of the Minister of Railways, which gave him a desire to explain the nature of the remark he made at the Railway League meeting at Sandhurst the other day respecting the honorable gentleman's colleague, the Minister of Mines. Certain members of the league having described themselves as extremely surprised at the action of the Government in relation to Sandhurst, and some of the Minister of Mines' own friends there having expressed their astonishment that, in view of the way in which Ministerial action had injured Sandhurst interests, he had not resigned his seat in the Cabinet, he (Dr. Quick) simply stated that he was sure that, had the honorable gentleman taken a firm attitude, the Minister of Railways would not have ventured, as he did, to denounce the line from Heathcote to Sandhurst. That line was denounced by him honorable members well knew, and no doubt many votes respecting it were not a little guided by the denunciation. In fact, the leader of the Opposition had admitted that he was so guided. But had the Minister of Mines, who unquestionably possessed greater influence with the Cabinet than the Minister of Railways, brought it fully to bear upon his colleagues, they would have been led to present so firm a front in favour of the Sandhurst and Heathcote Railway that not one of their number would have ventured to take an independent position on the other side of the question. The Minister of Railways might then have refused to support Sandhurst interests, but he would have been prevented from openly setting himself against them. As to the honorable gentleman's taunt that he (Dr. Quick) had not sufficient moral courage to speak out on the Railway Bill, what did the Argus, the main prop of the Ministry, say with respect to it in its issue of that morning? It stated—

"The Government has secured its own safety at the cost of degrading the institutions of the country. Members have been, and are, completely paralyzed by the corrupting influence of the general but conditional bribe that has been offered."

That was a stronger denunciation of the Government and of their Railway Bill than any that had come from the Opposition. It would be a very good thing when the Railway Bill was disposed of, for at present it was a political nuisance—it demoralized everything. There was no knowing the extent to which it had caused party lines in the House to drift out of place. But, nevertheless, he would not allow it to pass without offering a strong and determined protest against the unfair and injurious manner in which the railway interests of Sandhurst and the Bendigo district had been treated. On that very evening, while the House was debating the measure, an indignation meeting with respect to it was being held on Sandhurst, and its nature might be judged by the following telegram he had just received from the editor of the Bendigo Advertiser:

"Large and enthusiastic meeting held in Town Hall Exchange. Crowded to excess; the Mayor in the chair. On the platform the following gentlemen—Councillors A. Bayse, P. Hayes, and J. Delbridge; Mr. D. C. Sterry, president of Marong; Mr. Kneebone, mayor of Eaglehawk; Mr. Schilling, president of Strathfieldsaye; Mr. Clarke from Strathfieldsaye, Mr. Dillon from Marong, Mr. Brewster from Melvor, Mr. Cahill from Axedale, Mr. J. H. Abbott, N. Moran, and numerous other leading residents of the city and district. The meeting was addressed by various gentlemen, and resolutions expressing indignation at the rejection of the Heathcote and Sandhurst line, and in favour of its reinstatement, were carried with great enthusiasm. The meeting, which is most orderly but earnest, is still proceeding."

He hoped that the House would not refuse to hear the petition from that meeting which he and his colleagues expected to be able to present on the following day, and, further, that honorable members would not commit themselves completely with respect to the Heathcote and Sandhurst line until the voice of Sandhurst on the subject had been fully heard, and the whole facts of the
case in connexion with it were fully made known.

The House divided on the question that the order of the day be discharged with a view to the Bill being recommitted—

Ayes ... ... ... ... ... ... 5
Nees ... ... ... ... ... ... 50

Majority against recommittal 45

Mr. Fisher, Teller: Mr. McColl,
Dr. Quick, Mr. Williams.
Mr. Richardson.

Mr. Anderson, Mr. Langridige,
" Bent, " Laurens,
" Berry, " Levier,
" Blackett, " Macgregor,
" Bosisto, " W. Madden,
" Burrowes, " Mason,
" Cameron, " Mirans,
" Carter, " Ninna,
" Cook, " O'Callaghan,
" Cooper, " Sir B. O'Loghlen,
" Davies, " Mr. Orkney,
" Dow, " Shiel,
" Francis, " L. L. Smith,
" Fraser, " Toohey,
" Gardiner, " Tucker,
" Gibb, " Walker,
" Gillies, " Wallace,
" Grant, " Walsh,
" Graves, " Wheeler,
" Hall, " Wilson,
" Harper, " A. Young,
" Harris, " C. Young,
" Hunt, 
" Kerferd, 
" Keys, 
" Laugdon, 
" Langdon, Mr. Bolton, 
" McIntyre, 

Tellers.

Mr. Bell, Mr. Brophy,
" B. O'Loghlen, 
" Clark, " Connor,
" Cleworth, " Pearson,
" Major Smith, " McLean.

The House then proceeded to consider the amendments made in the Bill in committee.

Mr. BERRY drew attention to clause GG, which was as follows:

"The land described in the GG schedule hereto and known as the Koo-wee-rup Swamp, in the county of Mornington, and the inheritance thereof in fee simple, shall be and is hereby vested in the board to or for the purposes specified in this clause of the said swamp, sell by public auction any portion so reclaimed or drained, and ground plans of the allotments, together with estimates of value, have been submitted for the consideration of the Legislative Assembly."

He said—Mr. Speaker, I wish to know whether the amendment in this clause of which I have given notice will be accepted by the Government, or whether they will resist it?

Sir B. O'LOGHLEN.—I do not see any use in having this line in the Bill at all unless the Government have power to sell the land in Koo-wee-rup Swamp by auction.

Mr. BERRY.—Then I beg to move the omission from the clause of the following words:

"The board may, after it has reclaimed or drained the whole or any portion of the lands comprised in the said swamp, sell by public auction any portion so reclaimed or drained."

Honorable members are aware that the sale of Crown lands by auction has, after a long and severe contest in this House, extending over many years, been decidedly condemned in successive Land Acts, and that that decision has been generally endorsed by public opinion. So completely is the latter the case that, in successive Governments for a long while past, one Minister of Lands after another has steadily endeavoured to diminish the quantity of country lands annually disposed of by auction. This has been done for two reasons; one is that, in nearly all cases where country lands were sold in that way, they fell into the lands of large proprietors. ("No.") Well, they did so in a great majority of cases, except where there was a valuation for improvements.

Mr. KERFERD.—Did not the State invite such proprietors to buy?

Mr. BERRY.—That is true, and I make no complaint on that score. A good deal of pressure was brought to bear, from time to time, upon different Ministers of Lands, to induce them to sell country lands in large areas by auction, but in the end the general feeling of the country, as represented in this Chamber, practically put a stop to the disposal of the public estate in that way. The question of selection as against sale by auction has been fought out in all its various
stages in successive Land Bills, and the success of the former principle is no longer a theory, because it has become an absolute fact. The country has been better settled by selection than it was by selling the public estate by auction, and, selection being the settled policy of the country, I am at a loss to understand why the Premier should insist so strongly on disposing of this swamp by auction. The proposal is offensive to the House, because it is evidently wrong that land so well fitted for farming purposes should be parted with on any other terms than licence, lease, or selection. When the Premier says that there is no use in having the line in the Bill unless the Government are empowered to sell the swamp by auction, in order to provide the funds necessary for the construction of the railway, I disagree with him altogether. The fact that the committee have agreed to the line is quite sufficient, as the money can at a future time be raised from the proper source. What other line is there in the Bill for which the money is specially provided, as it is in this case? The plan hitherto adopted has always been to set apart by means of a Loan Bill, altogether separate from the Railway Bill, a sum of money for the construction of railways, and subsequently to authorize a certain number of lines, the limits of the Loan Bill, generally speaking, being observed. Whether even that is the proper course, it is perhaps unnecessary now to inquire. It might have been more proper first of all to bring in a Railway Bill, so as to ascertain by actual experience what the total cost of the railways authorized would be, and then to bring in a Loan Bill to provide the necessary funds. That appears to me to be the more convenient method, especially in view of the pressure which honorable members bring to bear when the railway question is before them in favour of lines which they want to be constructed in their respective districts. If the amount of money provided for railway construction in the first instance is found to be insufficient for the railways which the House thinks fit to authorize, an additional sum can easily be provided for in the same manner as the original amount. The Premier may say that the House has agreed to the proposal, and that the question is closed. Well and good; but I disagree with his theory that the sale of the swamp when drained is the natural method by which to raise the money required for the construction of railways. I think he is putting unnecessary obstacles in the way of the line by laying down such an exceptional method of obtaining funds. It may be years before Parliament votes the money which will be required for draining the swamp, as future Assemblies may be opposed to the construction of the line altogether, whereas, if the question of providing funds is left open, it will be the duty of the House to find the money to construct a line which Parliament has authorized. If the proposal to sell the land by auction is struck out of the Bill, there is nothing to prevent the Government of the day from raising the money even from this swamp, either by leasing or by selection, in order to place themselves in a position to carry out the line. I may say that my object in moving the amendment is not in any way to jeopardize the Bill. I accept the decision of the House, and there is an end of it.

Mr. MIRAMS.—The money can be provided by setting apart for an additional year £200,000 from the land revenue.

Mr. BERRY.—I do not really think we are called upon at the present time to do what we have never done before in any Railway Bill—not only to authorize the line, but in the same measure to authorize the particular means by which the money for its construction shall be raised. For the present, the authorization of the line is, or ought to be, sufficient, the Legislature being left to provide the money. It may be longer than the Premier, with his hopeful temperament, imagines before the draining of the swamp is undertaken. The works already authorized by the House will take many years to accomplish, and will test the labour market as well as the pecuniary resources of the country to a very considerable extent if it is to be accomplished in anything like a reasonable time. I am sure that years will elapse before the work authorized during this and the preceding session will be carried out. The land of the Koo-wee-rup Swamp is generally believed to be rich, good, agricultural land, and why, I would ask, should we dispose of it in any way which may not prove best for the settlement of the country? Why should we interfere in an unusual manner with a large area of rich country, said to be nearly 70,000 acres in extent, and within easy distance of Melbourne? We have very little land equal to that of the swamp left to dispose of, at any rate in large areas, and why should we deal with it in any way that will not bring about agricultural settlement? It has been part of the policy of this country in the past to look upon settlement of families on the soil as of far greater value than the money
which was received for the land. In fact, the monetary equivalent of the land has been sacrificed in order to obtain what was regarded as of far greater value—agricultural settlement. Then why should we by a side-wind do anything to jeopardize that principle by creating a doubt in the public mind as to its being the one best calculated to settle the country? I ask the Government now to reserve this land for genuine agricultural occupation. We have not so much land remaining to us that we can afford to run the risk of giving this large tract of 70,000 acres into the hands of those who already hold—and not for the best or highest purposes either—too much land. Then, again, it should be remembered that we are just on the verge of considering the land question. The Government have a Land Bill on the notice-paper, and why should they deal with a valuable tract of country in the Railway Bill upon a totally different principle from that which they will submit for other land in the measure which will more closely deal with the whole question? I know the Premier said that this was an exceptional case, but in what way, I should like to know, is it exceptional? It is only exceptional in this way, that the Government found it necessary to construct a line of railway not originally contemplated, and, having appropriated the whole of the loan, they looked around to see if they could not fix upon some means of raising the money. That is the only exceptional feature of the case. The Premier may say that, because money is going to be laid out on the reclamation of the swamp, it is only fair that the State should receive some return for the money. If the land cost, say, £50,000 to drain, then, if it was cut up into reasonable sized blocks for selection, and a price placed on each over and above the £1 an acre which has been the usual price at which land has been alienated for agricultural settlement in this country, I venture to say that the money asked for would readily and willingly be paid by agriculturists, and in that manner the State would be recouped the amount which it laid out on the reclamation of the swamp, in addition to settling the land, as easily as if the land was sold by auction. I think that in the course of my remarks I have left untouched no argument which could be urged with a view of inducing the House to tie its hand with regard to the mode in which this particular land is to be dealt with. Let it be dealt with in the Land Bill, in the same way that all the other alienated territory is to be treated. Unless we do that, we shall be fore-stalling the discussion on the Land Bill—we shall be apparently travelling backwards, and, if the proposal with respect to the sale of the swamp is carried, a sore discouragement will be given to all land reformers, as we shall be reviving a system which in the past has produced bad results. The present is probably a more popular Assembly than any that ever preceded it, and it would be anomalous for us to go back to the old exploded doctrine of selling land when it might be made to serve the purposes of settlement. The Governments of ten or fifteen years ago took every precaution that human ingenuity could devise in order to secure settlement and the distribution of the land into small farms. A portion of the press, misrepresenting some of my remarks, said that it was the Government of which I was the head which sold land largely by auction; but such was not the case, as there were no unimproved country lands sold by auction during the time I was in office. When sale by auction was the only mode of alienation, most of the blocks fell into the hands of the large landowners, who paid prices which completely drove the bond fide farmers out of competition, and so left the remainder of the land to be taken up by the pastoral tenants. It suited the purpose of the squatters to buy a few allotments at a high price, in order to prevent an inroad being made on their runs, and thus the subdivisions which were marked out in the first instance have disappeared just as if they never existed, and there is no settlement, although the country went to the expense of subdividing the blocks into small areas, and marking out roads to them. Selling the public estate has proved a failure in the past, and why should we return to it again? I think, under the circumstances which I have pointed out, that there is strong ground upon which to base my amendment, and I hope the Premier may see his way to accept it.

Mr. RICHARDSON seconded the amendment.

Sir B. O'LOGHLEN.—Sir, the honorable member for Geelong (Mr. Berry) has placed before the House, in a quiet and unexcited speech, his views on this matter; but I desire to point out again that there are no funds available for the construction of this particular line, except those which are to be obtained under the special provisions that are made in the clause under discussion. The
The honorable member has said that the House has decided on the line, and that that is sufficient; that a future Parliament will be bound to provide the funds necessary for its construction. That is quite possible, but to adopt that principle would be to take a course quite different from that laid down by the policy upon which the Bill is based. That policy is, first of all, to bring in a Loan Bill to provide funds for the construction of railways, and afterwards to introduce a Railway Bill authorizing certain lines to be carried out. I say that, in making the present proposition, the Government are neither reversing the land policy of the country, nor are they framing any new principle in relation to the disposal of the public estate. It has always been the practice, in cases where certain special lands were to be disposed of, to sell them by auction. I refer now to town and suburban lands. The question is whether lands that have a special value shall be sold as they have been in past years by auction. The practice has always been to keep them from free selection. Now, if we spend £50,000 on the reclamation of the Koo-woo-rup Swamp, the land will have a special value.

I have heard various opinions as to the value of the land. One man who retains 200 acres of it, and who has put a drain round that portion, informs me that it will grow any conceivable crop. If we are to spend a large sum in making the whole swamp of great value, the question is, are we to have a special public object carried out by the sale of the land, or are the advantages resulting from the improvements to be distributed among a limited number of selectors? I have taken the opinion of practical men who live near the swamp, and they say that the value which I placed upon it on a former occasion, when I said it would be worth £3 or £4 per acre, is much too low. They say that it will be worth £5 or £7 an acre, and that it will be as good as any in the colony.

The honorable member for Geelong said that the carrying out of the works authorized during the past and the present sessions will disturb the labour market, but I fail to see how that can be. We are spending £3,000,000 on railways, of which one-half will be devoted to rolling-stock and other matters, and the other half to labourers' wages. The latter amount will only provide wages for from 4,300 to 4,500 men for the next three years, so that I think the labour market of the colony is not likely to be overstrained by the works undertaken by the State. When honorable members speak about the great extent of the railway scheme, they forget that many of the lines to be constructed are of a comparatively light nature, and that they will cost less money to carry out than might be imagined. I must also mention that in consequence of the prosperity of the colony there has been a great influx of labour of all kinds from the neighbouring colonies. The latter are in a flourishing state, but the men are old Victorians returning to their wives and families, or who are drawn back by old associations. Thus the number of men in the labour market is constantly increasing, so that the fear that this 70,000 acres will remain for a long time a swamp owing to the want of labour, and that the construction of the line will be put off for an indefinite period, is, in my opinion, groundless. Persons who cross the swamp about once every year have stated that at certain periods it is possible to walk across it, and that the work of draining it may be accomplished with comparative ease. Again, the committee of the whole House has decided upon the question, and I may once more repeat that plans, specifications, and estimates will have to be submitted before the drainage works are commenced, and then will be the time for the House to insist on any condition which it thinks necessary to prevent the swamp from falling into the hands of a few large capitalists. If it is the wish of the House that the swamp shall be occupied by small cultivators of the soil, I have not the slightest doubt that it will devise a means, without adopting any extreme measures, of giving effect to that desire. If it affirms the desirability of selling the swamp in small lots under certain conditions, so that other persons may have to reclaim the land, it will be competent for it to carry that view into effect also. I do not think there is much danger of large landowners buying up the swamp, because none of them reside in its neighbourhood, most of the residents there being farmers and selectors.

Mr. Langridge.—The selectors will be ruined after we have reclaimed the swamp.

Sir B. O'Loghlen.—So far from that, they are all most anxious for the swamp to be drained, because when that is done the value of their holdings will be greatly increased. I ask the House not to agree to the amendment of the honorable member for Geelong, because it can deal with the whole question at a future period. The drainage of the swamp will not alone enable the 70,000 acres comprised in it to be available for cultivation, but the construction of the railway will render 500,000 acres of...
splendid agricultural land further on in Gippsland accessible to selection.

Mr. KERFERD.—Mr. Speaker, as the whole question has now been thoroughly opened, and as it is likely that it will prove a fruitful source of discussion, I think it is desirable that the debate should be adjourned. I am not sure that it would not have been better, as the House has really decided upon the clause, to come to a division at once, but, for the reasons which I have stated, I beg to move that the debate be adjourned.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the following day.

The House adjourned at five minutes past eleven o'clock.

### LEGISLATIVE ASSEMBLY.

**Wednesday, October 11, 1882.**


The Speaker took the chair at half-past four o'clock p.m.

**DONALD AND ST. ARNAUD RAILWAY.**

Mr. NIMMO (in the absence of Mr. Dow) asked the Minister of Railways what action had been taken in connexion with a petition from the inhabitants of Swanwater, praying that the Darkbonee railway station might be opened?

Mr. BENT stated that arrangements were being made to supply the small accommodation which was required for passengers and goods at the Darkbonee station.

### PETITIONS.

Petitions were presented by Mr. R. CLARK, from a public meeting of the inhabitants of Sandhurst, held the previous night, in favour of reinstating the Sandhurst and Heathcote line in the Railway Construction Bill; and by Dr. Quick, from attorneys, solicitors, and proctors practising at Sandhurst, praying the House to take steps to prevent the proposed rules of the Supreme Court for the admission of certain managing and other clerks to practise as attorneys, solicitors, and proctors from becoming law.

The petition as to the Sandhurst and Heathcote line having been read, on the motion of Mr. R. CLARK,

The SPEAKER said—The Clerk has called my attention to the fact that the petition presented by the honorable member for Sandhurst (Mr. Clark) is informal, as it contains interlinearations and erasures. I have, on previous occasions, asked honorable members who have petitions to present to submit them to the Clerk before the House meets, so that it may be ascertained whether they are in order. I regret that this course is not always followed, as its general adoption would be the means of saving considerable time.

### COUNCIL ELECTORAL ROLLS.

Mr. MIRAMS asked the Chief Secretary if he would issue special instructions to the electoral registrars throughout the colony to keep a record of all names placed upon the electoral rolls for the Legislative Council, either ratepayers' or general, through the operation of the two Acts lately passed for amending the Reform Act?

Mr. GRANT, in reply, read the following memorandum from the Under-Secretary:

"The special supplementary rolls to be prepared under the Legislative Council Supplementary Rolls Act 1882 will constitute a separate record of all names placed upon the Council electoral rolls, either ratepayers or non-ratepayers, through the operation of the two Acts later passed amending the Reform Act. The rolls in question will be filed as records in this office."

Mr. MIRAMS remarked that he was aware that the special supplementary rolls would be kept separate from the general rolls, but that would not be sufficient to give the information which he desired that the public should obtain. What he wanted was that the names placed on the special rolls should be divided into two classes, so that those persons who were entitled to the franchise under the Reform Act, and had simply taken advantage of the extension of the time granted by the two amending Acts to have their names put on the special rolls, might be distinguished from those who obtained the franchise by virtue of the recent Acts.

Mr. GRANT promised that the names would be kept separate, as suggested by the honorable member.
SANDHURST AND HEATHCOTE RAILWAY.

Mr. R. CLARK asked the Premier whether, after the strong feeling expressed, at the large public meeting held at Sandhurst, the previous night, in favour of a railway from Sandhurst to Heathcote, he would consent to that line being reinstated in the Railway Construction Bill?

Sir B. O'LOGHLEN said he was sorry that on several occasions the Sandhurst and Heathcote line was thrown out, but he would remind the honorable member that an understanding had been come to between the House and the Government that no more lines were to be included in the Bill. To that conclusion the Government must adhere. They, however, were in the hands of the House, and if the House chose to take a different view of the question it was at liberty to do so. It was quite possible that a short Railway Bill might be introduced next session, or that a sum might be placed in the Railway Construction Bill to authorize the construction of a line from Sandhurst to Heathcote, and for extending the line from Creswick to Spring Hill as far as Daylesford.

PARLIAMENT HOUSE.
STONE FOR WEST FRONT.

Mr. GARDINER asked the Minister of Railways whether he would decline to grant the special train to Stawell, to enable honorable members to visit the stone quarry at Mount Difficult, until the cost of the said train was stated in the House?

Mr. BENT said he could not comply with the honorable member's suggestion. The select committee appointed to inquire into the question of obtaining stone from Mount Difficult were provided with a special train to enable them to visit the quarry, and he thought it desirable that honorable members generally should see the place. They would be in a better position to form an opinion on the question at issue after inspecting the quarry. He thought that the money which the special train would cost would be well spent.

Mr. GARDINER (who, to put himself in order, moved the adjournment of the House) stated that he felt bound to protest against a special train being provided to take honorable members to Stawell, because he considered that the expense which it would entail would be a waste of money. A select committee of the Assembly had already visited Stawell to report on the stone, and it seemed likely that the question at issue would involve the State in far greater outlay than the public had any idea of. Honorable members could gain no more information by visiting the quarry than by seeing the blocks of stone brought from it, which were at present lying in Parliament yard. If they wanted to go to Stawell they ought to travel by ordinary train on their passes, instead of putting the country to the expense of a special train. The proposed trip would be nothing else than a picnic for honorable members.

The motion for adjournment was not seconded.

RAILWAY FARES.
BALLARAT AND CRESWICK.

Mr. RICHARDSON asked the Minister of Railways when he would be in a position to give a reply to the application made by the Miners' Association of Creswick that suburban fares might be charged between Creswick and Ballarat?

Mr. BENT said a reply was sent to the application some days ago. The reduced fares between Ballarat and Creswick would come into operation on the 14th inst. The charge for monthly tickets would be 25s. first class, and 20s. second class. Saturday return tickets, available till Monday, would be issued at a charge of 2s. 6d. first class, and 2s. second class.

MELBOURNE TRAMWAY AND OMNIBUS COMPANY'S BILL.

On the order of the day for the resumption of the debate (adjourneed from October 4) on Mr. Gillies' motion “That the report of the select committee on this Bill be now taken into consideration,” and on Sir Bryan O'Loghlen's amendment for remitting the Bill to a committee of the whole House, Mr. CARTER said—Mr. Speaker, on referring to Hansard, I find that the honorable member for North Melbourne (Mr. Munro) was correct in the statement he made last Wednesday that the Collingwood Gas Company's Bill which was before the House in 1876 did not become law. It was not passed as a separate measure, but was merged into the Metropolitan Gas Company's Bill. I looked the question up previously, but I regret that failure of memory led me to contradict the honorable member, and I now take the earliest opportunity of making this explanation.

Mr. GILLIES.—Sir, I beg to move that the debate be further adjourned for a week. There is a probability of the whole matter being arranged by that time.
The motion was agreed to, and the debate was adjourned until Wednesday, October 18.

TRADE UNIONS BILL.

This Bill was recommitted.

Mr. RICHARDSON moved that clause 22 be struck out, with the view of inserting another clause in lieu thereof. He said the clause enabled every trade union to provide for the manner in which it might be dissolved, but it was considered by the Attorney-General that this was not sufficiently definite, and that it ought to be enacted that the rules of each trade union must contain provisions as to the manner in which it might be dissolved. The new clause had been drafted under the honorable gentleman's directions. The clause was struck out, and the new clause, which was as follows, was inserted:—

"No trade union shall be registered under this Act unless the rules of such trade union contain:—Provisions as to the manner in which the same may be dissolved. Provisions that whenever the certificate of registration is withdrawn or cancelled by the registrar the real and personal property to which such trade union is beneficially entitled shall be applied—first, to the payment of all just debts and liabilities of such trade union, and secondly, to the payment of all just claims of members and persons being members thereof; secondly, to the payment of all just claims of members and persons claiming any relief or other benefit from such trade union; and thereafter to some other purpose which such rules shall specify."

Mr. RICHARDSON moved that the following words be added to clause 27:—

"Notwithstanding such withdrawal or cancelling, all real and personal estate vested in trustees for the use and benefit of such trade union and the members thereof shall, from the time of such withdrawal or cancelling, be and be deemed to be held by the said trustees to the use and for the purposes specified in the rules of such trade union in that behalf made and provided as in this Act directed."

The amendment was agreed to.

Mr. RICHARDSON moved that the following words be added to clause 28:—

"All fines, penalties, and forfeitures under this Act may be recovered in a summary way before any two justices."

Mr. BOSISTO called attention to the fact that the clause provided that—

"No justice who is a master, or father, son, or brother of a master in the particular manufacture, trade, or business in or in connexion with which any offence under this Act is charged to have been committed, shall act as a member of a court of general or petty sessions during the hearing of a charge or proceedings relating to or the commission of such offence."

This seemed to him to be an insult to justices of the peace. Surely no magistrate would ever attempt to take part in adjudicating on a case in which he was personally interested.

Mr. MUNRO remarked that the Licensing (Public-houses) Act contained a similar provision.

Mr. WRIXON said the clause was a transcript from Imperial legislation with reference to trade unions. When the first Trade Unions Bill was under discussion in the House of Commons, an honorable member suggested that it would be well to insert such a clause in it, and the suggestion was adopted.

Mr. BOSISTO expressed himself satisfied with the explanation.

The amendment was agreed to.

The Bill was reported with further amendments, and the amendments were adopted.

The Bill was then read a third time and passed.

MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.

On the motion of Mr. MUNRO, this Bill was recommitted.

Discussion took place on clause 2, repealing section 7 of the Married Women's Property Act, and substituting the following new section in lieu thereof:—

"Notwithstanding any law to the contrary, any deposit heretofore made or which shall hereafter be made (whether to the credit of an account current or on fixed deposit or otherwise) in the name of a married woman with any joint stock or incorporated company or registered or incorporated friendly or building society, or in the name of a woman who has married or may marry after such deposit, shall be deemed to have been or to be the separate property of such woman, and any payment already made to her in respect of any such deposit shall be deemed to have been and shall be as valid as if she were an unmarried woman; and any existing or future deposit shall be accounted for and paid to her as if she were an unmarried woman: Provided that if any existing or future deposit has been or is made by a married woman by means of moneys of her husband without his consent, and any payment already made to her in respect of any such deposit shall be deemed to have been and shall be as valid as if she were an unmarried woman; and any existing or future deposit shall be accounted for and paid to her as if she were an unmarried woman: Provided that if any existing or future deposit has been or is made by a married woman by means of moneys of her husband without his consent, a judge of the Supreme or any County Court may, upon an application under section 19 of that Act, order any such deposit or any part thereof which at the time of the service of such order on such company or society may remain unpaid, to be paid to her husband."

Sir B. O'LOGHLEN remarked that, when the Bill was last under consideration, he asked the honorable member in charge of it to allow him time to consider it. The point which he thought had not been given sufficient prominence was that the Bill not only proposed to amend the Married Women's Property Act, but it was also retrospective in its effect. It affected rights which had already accrued, and, unless some satisfactory reason was given for dealing with those rights, he thought the committee should pause before making the measure retrospective. As to the policy of the matter,
he understood that it would be a great convenience to the financial institutions concerned if all the inchoate rights which might have accrued under the existing law were swept away; but what he wanted to be convinced of was that there was a public necessity that those rights should be swept away. He was aware that in the present state of the law husbands who were fraudulently disposed had an opportunity of taking advantage of past transactions, which might have been entered into by their wives with their cognizance, by ignoring the real state of the case, and taking an action against institutions for the repayment of money which had been already paid to their wives. The Bill would prevent fraudulent actions of that kind, but, at the same time, it might also interfere with rights which were well founded. He had no objection to the Bill being made retrospective if it was shown that there was a public necessity for sweeping away accrued rights, but retrospective legislation was very objectionable unless it was clearly shown to be for the general public good. He was aware that the Bill preserved the rights of all persons who might have begun an action up to the date of the passing of the measure, but rights might also exist in respect of which actions might not be begun when the Bill became law. The honorable member for North Melbourne (Mr. Munro) seemed to labour under the idea that the Bill would be of no use unless it was made retrospective, but it would be a very good measure for the present and the future, even though it did not deal with transactions that were altogether past. What he would propose was that the operation of the measure should be confined to deposits which were now lying in financial institutions, or which might be hereafter made. In this way deposits at present existing would be protected by the Bill, as well as future ones, but transactions which were altogether past, and in respect of which rights might exist, would not be affected. For instance, there might be cases in which a husband gave his wife money to deposit in his name, and she deposited it in her own name, and afterwards withdrew it without his knowledge. In such a case the husband would still have a right, both legally and equitably, to be paid the money by the institution in which it was deposited. (Mr. Mirams—"If the money had been already repaid to the depositor?") The money would have been repaid to the depositor, but not to the person entitled to receive it. (Mr. Munro—"Why should the institution suffer?")

Because the institution should have known the state of the law when it received the money. He did not want to oppose the Bill, because he thought it was a good measure, but he wished to point out to the committee that sufficient cause had not been shown for making it retrospective. Why should matters which were past and gone be legalized for the benefit of particular institutions? If those institutions had acted legally they would not require the Bill; the measure was required simply because those institutions, in their anxiety to do business, had not taken sufficient care to protect their own interests in dealing with married women. If, however, a case of public necessity was made out, he would have no objection to the Bill being made retrospective. (Mr. Zox—"Why should it not be retrospective; what harm can it do?") It was laid down as a rule of legislation that antecedent rights should not be interfered with, and Parliament was only justified in overriding that rule when a case of great public necessity or public advantage in favour of retrospective legislation was made out.

Mr. KERFERD thought the committee would agree with all that had been said by the Attorney-General with regard to the danger of passing laws which would be retrospective in their operation. So dangerous was that kind of legislation considered that it was a canon of construction, acted upon by the judges on the bench, that they should strain against giving an Act a retrospective operation unless they were coerced to do so by the clear and emphatic language of the measure. Therefore there was great weight in the objection which had been urged by the Attorney-General with regard to the present Bill retrospective. As he (Mr. Kerferd) understood the state of affairs, having had the matter under his consideration some years ago, it was this:—Various societies received moneys on deposit from married women as if they were _femmes soles_. Those societies acted upon a construction of the law of their own, but they subsequently found, by a decision of the Supreme Court, that their construction of the law could not be sustained. What they were anxious for now was that the law should be altered in the direction in which they had construed it, and that the alteration should be made retrospective so as to legalize what they had been doing for a number of years past. Their claim appeared to him to be a very urgent one, for, unless the application was acceded to, those institutions would be in a very embarrassing position for all time to come with regard to
Married Women's Property [October 11.] Act Amendment Bill. 2037

transactions which were past and gone, and in regard to the legality of which an objection might be raised at any time. He thought that in view of the importance of the monitory transactions of these societies, and the large amount of business they did, and considering also that the practice in question had almost grown to be a usage, it would be a very great hardship unless they were protected in some such manner as that proposed by the Bill. It was a question, however, whether, following the course which was taken with regard to the abolition of dower, a certain time should not be given—say three months after the passing of the Bill—within which any person having a right of action against one of these institutions could exercise it. Such a provision would conserve the rights of persons who might have a cause of action, and at the same time enable the institutions to feel that, after a certain period, they would no longer have anything to fear with respect to transactions that were closed and past. (Sir B. O'Loghlen—"Say twelve months?") The exact time to be fixed was more a matter for the consideration of the honorable member in charge of the Bill. He (Mr. Kerferd) would point out, however, that the decision of the Supreme Court in the case of Griffiths v. The Victorian Permanent Building Society, which showed the erroneous construction of the law on which these institutions had acted, was given in July, 1880, more than two years ago, so that two years' notice had been practically allowed already to any persons who might feel aggrieved. He did not wish the committee to think that he at all undervalued the objection which had been raised by the Attorney-General. On the contrary, the objection was entitled to the gravest consideration, because, if Parliament were once to indulge in retrospective legislation, it would be almost impossible for any one to say that either his person or his property was safe. In view, however, of the fact that these societies had, for a number of years, acted upon a construction of the law which, though mistaken, was found to be of so convenient and practical a character that it was now considered desirable to declare it to be really the law, and in view, also, of the fact that since the decision given two years ago, pointing out the erroneous construction of the law under which the societies had been acting, no action had been brought against them, he thought the material was supplied which the Attorney-General said was necessary to be furnished before the committee could agree to make the Bill retrospective in its operation. Then, if some short period could be arranged for conserving existing rights, so as to give general public notice of the provisions of the Bill, he thought the measure might be agreed to with perfect safety. It was desirable, in the interests of the public, that the institutions concerned should be relieved from the embarrassing position in which they were at present placed, so that public confidence in them might not be impaired.

Sir B. O'LOGHLLEN remarked that the suggestion of the honorable member for the Ovens (Mr. Kerferd) was a most valuable one, and if the honorable member in charge of the Bill would consent to an amendment of clause 5, so as to conserve the rights of persons who might take legal proceedings within twelve months of the passing of the measure, he (Sir B. O'Loghlen) would not proceed with the alterations he proposed proposing in the present clause. (Mr. Munro—"Will six months do?") He thought one year was only a reasonable time. It must be remembered that the societies were gaining a great boon by the passing of the Bill. Moreover, if two years had elapsed since the decision of the Supreme Court pointing out the state of the law without any actions having been taken, surely there could be no great danger in allowing another year for the protection of any latent rights that might not have yet come to the surface. It must also be remembered that there was a principle involved. It was not merely a question of this particular Bill, but a question of retrospective legislation in general, and adequate time should be allowed to those persons who had rights to exercise them before they were swept away. The Dower Act, which was also retrospective legislation, was not passed into law until after a long delay, and then it was hedged round with every possible precaution to conserve existing rights. If there were no existing rights in the present case, the societies were safe; if there were existing rights, why should they be destroyed without sufficient notice?

Mr. FISHER observed that to a great extent he agreed with the views of the Attorney-General, but there was one aspect of the case which neither the honorable gentleman nor the honorable member for the Ovens (Mr. Kerferd) had touched upon. He (Mr. Fisher) disliked the retrospective legislation in the Bill, but what struck him most forcibly was the selfish character of the measure. There was no doubt that the decision of the Supreme Court showed clearly that the building societies and other kindred institutions had been
labouring under a mistake as to the law for several years; but he would have been quite willing to relieve those societies from the obligations they had incurred in consequence of that mistake if the framers of the present Bill had attempted to bring it up to the present stage of English legislation on the subject of the property of married women. The sole object of the Bill, however, was simply to relieve the societies from the consequences of their error without doing anything further. The English Act, 37 and 38 Victoria chap. 50, was very much in advance of the law in this colony with regard to the property of married women, and he contended that the Bill should have contained the latest provisions of English legislation. His objection to the Bill was that it was a purely selfish one, introduced for the sole purpose of protecting certain societies, instead of dealing with the whole subject in a comprehensive manner. He did not desire, however, to throw any obstacle in the way of the measure passing, and, if the honorable member in charge of it would accept the suggestion of the Attorney-General to conserve existing provisions of English legislation. His objection to the Bill was that it was a purely selfish one, introduced for the sole purpose of protecting certain societies, instead of dealing with the whole subject in a comprehensive manner. He did not desire, however, to throw any obstacle in the way of the measure passing, and, if the honorable member in charge of it would accept the suggestion of the Attorney-General to conserve existing rights for twelve months after the Bill became law, he (Mr. Fisher) would offer no opposition to it. Considering the benefit the societies would derive from the Bill, they might very cheerfully allow twelve months' notice to be given of its provisions; certainly that was the shortest period the committee should accept.

Mr. WRIXON expressed the hope that the committee would deal with the Bill promptly. If the building societies had proceeded on a wrong construction of the law, their mistake was a very natural one. When money was deposited with them by a married woman in her own name, it was only natural that they should treat it as her separate property. In the Bill, the societies were not asking for any advantage, but simply to be relieved from the necessity of having to repay money twice over—in fact, to repay it wrongly after having repaid it rightly. Under such circumstances, he thought the committee could have no hesitation in consenting to the Bill. In fact, the only question was whether, as the Bill was of a retrospective character, six months' or twelve months' notice should be given to those who might have rights under the existing law. (Mr. Munro—"We will accept the twelve months.") In that case the Bill might be passed through without further discussion.

Mr. SHIELS remarked that the Bill was not confined to deposits made by married ladies in building and other corporate societies. In clause 6 an attempt was made to interfere with a decision given by Mr. Justice Molesworth as to the powers which married women had over their separate property. That decision was to the effect that, under the 10th and 11th sections of the existing Act, a married woman had the power of alienating property left exclusively to herself. He (Mr. Shiels) would urge upon the committee the necessity of taking advantage of the present opportunity for remedying what he believed to be a great omission in the Act. In section 3 it was provided that only the real property held by a woman previous to her marriage should be protected and be her separate property, and in his opinion an amendment ought to be introduced into the Bill by which her personal property would be placed in the same position. In many cases he had known ladies, possessed of thousands of pounds worth of personal property, who married under the impression that their personal as well as their real property was protected. As a consequence, no trouble was taken to prepare settlements, and the property fell into the hands of the husband after marriage. If the committee were of his (Mr. Shiels') way of thinking, and would consent to the introduction of a short clause carrying out the view which he had expressed, a great omission in the original Act would be rectified.

Mr. DEAKIN observed that the suggestion made by the honorable member for Normanby was one which could only be adopted after very mature consideration. The Bill, so far, was complete in itself, and, though it might be that clause 6 was in the nature of a departure from the subject-matter, the measure was clear and concise, and its provisions were complete. It was exactly parallel in its object with the Bill which the Premier had introduced in reference to the validation of calls and forfeitures made by mining companies, its sole aim being to prevent litigation arising from persons taking advantage of some little oversight in the legal technology of the Act. Even in its retrospective action the Bill would be perfectly just. It had now been thoroughly thrashed out, and the best thing to be done was to pass it without further discussion.

Sir C. MAC MAHON expressed the opinion that the alteration of the Act suggested by the honorable member for Normanby was unnecessary. The honorable member must be perfectly well aware that in all cases where a woman possessed of personal property married, trustees were
appointed to administer the estate. The alteration proposed by the honorable member would open the door too widely to conspiracy between husbands and wives, to the disadvantage and material loss of innocent persons. No consideration ought to be given to those people who would not take the ordinary precaution of investing under trustees the money of a woman about to marry in cases where she might possibly be influenced by her husband. It was no use to depend upon the courts, because technical points and contemptible quibbles were continually being raised to the disadvantage of the community. The decisions of the courts were not entitled to that tremendous respect which had been supposed. They were being reversed or overruled every day; and when they were overruled at home, the courts here refused to obey. He had suffered from the decisions of the courts, but he believed the time was fast coming when the courts would not have it all their own way. The people would refuse to be bound down by them as they had been, and they would object to decisions arising out of a sudden crotchet in the head of a gentleman suffering perhaps from dyspepsia or something else. He (Sir C. MacMahon) would have an opportunity of speaking further on this point when the Bill for the better administration of the Supreme Court was under discussion, and the House would be able to put a curb on those administrators of the law who imagined they were able to dictate to every one in the community. He wanted to see whether the House could not bring a little responsibility to bear upon the judges, and whether they were to ruin institutions and individuals for the sake of certain crotchetts which they took into their heads. He understood that an agreement had been arrived at in reference to the amendment moved by the Premier, and, that being so, it would be foolish to discuss the measure any further.

Mr. SHIELS said that the remarks of the honorable member for West Melbourne (Sir C. MacMahon) were perfectly true as regarded women of wealth, as they were generally well protected by the appointment of trustees to administer their property after marriage; but the same was not the case with poorer people. When a lady of large property was about to marry, her relatives generally placed her possessions outside the rule of her husband, by means of deeds of trust; but it would be just as well to have an amendment introduced into the Act by which people who were not so well off might also be protected. With this view he would suggest that the Bill should be recommitted again on the following Wednesday.

The CHAIRMAN.—I would remind the honorable member that it will be quite possible to propose his amendment on the third reading of the Bill.

Sir B. O'LOGHLEN said that the amendment could be placed in the hands of a member of the other Chamber when the Bill was transmitted thither.

The clause was agreed to.

On clause 5, limiting the retrospective operation of the Bill in cases where "the husband has already taken legal proceedings" against a company or society to enforce his claim,

Sir B. O'LOGHLEN moved that the clause be amended by the insertion of the words "or may within one year after the coming into operation of this Act take," after the word "taken."

The amendment was agreed to.

The Bill was then reported to the House with an amendment. The amendment was adopted, and the Bill was read a third time and passed.

FEDERAL UNION OF AUSTRALIA.

The debate (adjourned from September 6) was resumed on Mr. Munro's motion in favour of an intercolonial conference to consider the propriety of taking the necessary measures for securing the federal union of the Australian colonies, and on Sir Bryan O'Loghlen's amendment to adjourn the debate until "this day six months."

Mr. WRIXON.—Mr. Speaker, when this question was last before the House I explained shortly the view which I took of it, so that I need not now detain honorable members at any length except to state the reasons why I cannot vote in favour of the motion of the honorable member for North Melbourne (Mr. Munro). Those reasons are quite apart from the merits of the proposal. It appears to me that the feeling of the Government is adverse to this motion. They say they cannot co-operate in the attempt to attain federation of the colonies, and I think, under such circumstances, that for the House to pass this resolution would be to do more harm than good to the cause which the honorable member for North Melbourne has so much at heart. It is needless to go further than that. The simple fact that, if we pass the motion, we shall be trusting to an unwilling Government to carry it into effect should deter us from going any further. The knowledge that the Government are adverse to the proposition will already
be circulated in the other colonies, and though the latter might otherwise feel willing to join us in a conference with a view of obtaining federation, that fact alone would be sufficient to deter them from doing so. I therefore think that it would be foolish to make an offer which would be rejected. It would not only be foolish, but it would be an injury to the cause of federation. Proposals of that kind ought to be backed up by the whole power of the Government, and by the unanimous consent of the Legislature and of the people also. I question whether outside opinion on this subject is as accurate as it ought to be, and I think the real welfare of the cause of federation would be better served if a division was not insisted upon at the present time. A division, if it is taken, will necessarily, to some extent, give a false view of the opinion of the House. I shall vote against the motion, simply for the reasons which I have stated, and other members will probably do the same, quite apart from the broad merits of the question. A great deal has to be done in this and other colonies before the question will be ripe for being dealt with, and I think a great deal of the energy which the honorable member for North Melbourne is showing in regard to it would be more usefully displayed in endeavouring to excite the public mind in favour of his views. At present we are met by the opposition of the Government, and, that being so, we could not profitably pass the motion.

Mr. ZOX.—Sir, I think the honorable member for North Melbourne (Mr. Munro) is to be complimented for bringing this question before the House, and I regret that the Government have not seen their way to meet it with a different amendment from that which has been put forward. No more important question than that of the federation of the colonies could possibly be introduced into this House, and I am quite certain that, from whichever point of view it is discussed, this debate is bound to do a great amount of good in the colony. I think, however, that the subject is so gigantic in its nature that honorable members have not had an opportunity of grasping it thoroughly. If the honorable member for North Melbourne had contented himself with bringing forward a motion to the effect that it is desirable to establish a uniform fiscal policy throughout the Australian colonies, and argued the question from that stand-point, federation would no doubt have appeared very desirable, as being the best thing which could be brought about, both from a selfish and from a commercial point of view. Let us look at the different fiscal systems of the various colonies. Why, if some of the great statesmen of Europe were to consider that point they would find that, although the Australian colonies are only separated from each other by short distances, they are comparatively isolated in their relations. Fancy one of those statesmen discovering that a bullock and a sheep, and even a man, are dutiable in one colony, and free in another! How ridiculous it would appear to him. I say that any honorable member who makes an effort to do away with that anomaly is deserving of the thanks of the House. In taking up a newspaper the other day, I saw that a man who had embezzled a sum of money belonging to an insurance company in New South Wales was found guilty of the offence, but was not punished because of a technical point which was raised, to the effect that the insurance company was incorporated in Victoria and not in New South Wales. The man got off scot-free. Although he was a scoundrel in New South Wales he was a free man in Victoria, notwithstanding he had committed a criminal offence. A suggestion has been made to me that the debate should be adjourned, and I have no wish to occupy the time of the House, although I am prepared to speak on the question at greater length. I beg to move that the debate be adjourned.

Mr. NIMMO.—Mr. Speaker, I think it is of the highest importance that facts affecting the question of Tariffs should be correctly stated. The honorable member for East Melbourne (Mr. Zox) said that, if the statesmen of Europe were to examine our Tariffs, they would be astonished to find that a bullock and a sheep are dutiable in one colony and free in another. Now, what would be their astonishment to find that in the very colony where a bullock is dutiable to the extent of 5s., a pound of beef is to be purchased cheaper than it is in the colony where the bullock is admitted free of duty? It is an extraordinary fact that in Sydney, the capital of a colony which has no duty on stock, the rump steak is twopence per pound dearer than in Melbourne.

Mr. WALKER.—That is not correct according to the evidence given before the Tariff Commission.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Wednesday, November 8.

PUBLIC SERVICE.

The debate (adjourned from August 9) on Mr. Wrixon's motion for the appointment of a select committee to inquire into
"the existing defects in the law, and in the management of the public service, and the means by which those defects can be best remedied," was resumed.

Sir B. O'LOGHLEN.—Mr. Speaker, there is no doubt that this subject is one which needs to be inquired into, and that, though we have a most valuable report from the Civil Service Commission, we have not yet arrived at a solution of the various questions that arise in connexion with the public service.

Dr. MADDEN.—Nor are we likely to do so.

Sir B. O'LOGHLEN.—I have given great attention to the matter, having assisted to draft Bills dealing with it, and I know that the subject is a very complicated one, and one that the House is likely to meet with considerable difficulty in considering. The basis upon which it was at one time proposed to treat civil servants was to take the commencement of the operation of the new Bill as a starting point, so that persons entering the service afterwards should enjoy the rights and privileges conferred by the new measure, but that proposal was met by the difficulty experienced in dealing with persons whose rights had accrued under the existing Act. Then again, there are persons to be considered who are not civil servants under the Act. The question is, are these employes to be treated on the same basis as that upon which recognised civil servants under the Act are dealt with? There is also the question to be considered as to what shall be done with those large departments in which there are very few civil servants, but in which there are a large number of gentlemen engaged who claim to be considered on the same terms as those who are recognised under the Act. Where are we to draw the line? Is a man working for a daily wage not to have the same rights and privileges as a man receiving a monthly wage, or is a man receiving a monthly wage not to be granted the same consideration as a man drawing a yearly salary? The question of retiring allowances and compensation also requires to be considered, as well as that of the payment of annuities. How are these points to be dealt with? The Civil Service Commission suggested, as the only reasonable way out of the difficulty, a system of enforced insurance, by which every member of the civil service would have to put aside a certain portion of his salary from the time he entered the service, in order to insure his life. When we come to consider that proposal, a new set of difficulties arises. Suppose that an old, experienced, and well-trained man is required for a particular position, he will have to pay a very large premium in order to insure his life, because of his advanced age. Again, if a man enters the service at a salary of £100 a year, he will only have to pay a small premium, but if by his industry and ability he rises gradually to a position which gives him an income of say £700 a year, his first premium will not be sufficient to cover his insurance.

Mr. MIRAMS.—Let him take out additional insurances as he rises.

Sir B. O'LOGHLEN.—According to that, each man who rises in the service will have to pay a penalty at every advance.

Mr. FRANCIS.—But he will have a collateral advantage.

Sir B. O'LOGHLEN.—His increase of salary will be subject to gradual diminishments from this cause. This system would provide for the man's family in case of his death, but it would not provide for enforced retirement from ill-health, as there would be no annuities or compensation granted. It is very difficult to decide how these cases are to be met. Again, while admitting that we are not now fully seized of the information we ought to have on the present question, it seems rather late in the session to appoint a select committee to inquire into it. The Government have proposed to bring in a Bill dealing with it on certain lines which I have sketched out, that is to say starting with appointments made from the time the measure became law, and leaving existing appointments to be legislated upon in a subsequent measure, but, of course, if the matter is taken in hand by a select committee they will have to look at every branch of the subject in every point of view. I will also point out that the proposed committee ought to be considerably enlarged by the addition to it of other members. For example, it is to be noticed that in the list submitted by the honorable member for Portland there is not a single member of the Government. I regret that the leader of the Opposition has refused to allow himself to be nominated on the committee, he having been a member of the Civil Service Commission, but still there are other honorable members with great experience and special knowledge of the working of the public service who might well be placed on it. On the other hand, I observe among the names mentioned in the motion as it stands those of honorable members who have never manifested, so far as their conduct in this Chamber is concerned, any
particular interest in or knowledge of the matter to be inquired into. Upon the whole, I think the number of the committee should be increased to twelve, and that time ought to be allowed for considering who the additional members should be. Under the circumstances, I beg to move the adjournment of the debate.

Mr. WRIXON.—Sir, I most willingly accept the suggestion the Premier has thrown out. I shall be delighted with the cooperation of the Government, and will agree to the adjournment of the debate, so that I may be able, before it is resumed, to submit to the Premier the names of additional members of the committee, and arrange with him generally as to how the business should be carried through. Inasmuch as the work of the committee could hardly be completed before the close of the session, perhaps the Government would enable it to continue its labours afterwards by turning it into a Royal commission.

Mr. A. T. CLARK.—Mr. Speaker, I am greatly surprised at the Government accepting the motion of the honorable member for Portland, and still more at the suggestion that the proposed select committee should be turned into a Royal commission. Only a very few years ago a Royal commission gave careful attention to the condition of the public service, and made a number of recommendations with respect to it, but what was done with them? To this day not one of them had been considered by the House. I regret that the proposed motion is not present, and I am reluctant to go on with my amendment in his absence, but it seems that I have no option in the matter. After giving the subject of the opening of closed roads a great deal of attention, I have come to the conclusion that it is all a farce. What is the case at the present moment? That some half-dozen Royal commissions, and any number of committees and boards, are sitting to exercise functions which ought to be exercised by the Executive. How long is that sort of thing to last? How long will Parliament be continually occupying in the appointment of bodies the invariable history of which is that they spend hundreds, if not thousands, of pounds in preparing reports which, when they are brought up, are never acted upon? The reconstitution of the public service is a work that should be undertaken by the Government of the day, and, if honorable members want to see it performed, they should put in power a Ministry capable of performing it. It is impossible for an irresponsible Royal commission, select committee, or board to deal with the public service in any other way than bringing up a lot of ‘bogus resolutions or recommendations which no one will attend to.

Sir B. O’LOGHLEN.—I wish the honorable member for Portland to understand that there may be some difficulty in converting the select committee into a Royal commission, and that the Government can enter into no engagement on that point.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Wednesday, October 18.

CLOSED ROADS.

The debate (adjourned from Wednesday, August 23) was resumed on the following proposition, moved by Mr. Longmore:

"That no subsidy be paid to any municipality, except upon condition that at least one-eighth of the mileage of the roads required for public traffic within the boundaries of such municipality shall have been opened, and an undertaking entered into by such municipality to keep open for traffic such roads in future, and that an instruction to the above effect be given by this House to the Ministry of the day."

Mr. FISHER moved, as an amendment, the substitution, for all the words after "that" (line 2), of the following words:

"Such municipality give and furnish to the Minister a return showing that at least one-eighth of the mileage of the roads required for public traffic within the boundaries of such municipality, closed on the 1st day of October, 1882, has been opened for public use."

He said—Mr. Speaker, I regret that the proposer of the motion is not present, and I am reluctant to go on with my amendment in his absence, but it seems that I have scarcely any option in the matter. After giving the subject of the opening of closed roads a great deal of attention, I have come to the conclusion that it is all a matter of administration—that there is really nothing at the present time to hinder the Government from taking such steps as would compel the opening of roads in every instance in which they are wanted to be open for the advantage or convenience of the public. I do not think there is a road in the colony which the public desire to see opened which could not be opened by the administrative means in the hands of the Government in a year or two at the utmost. My object in moving this particular amendment is to bring the proposition before us into complete accord with section 520 of the Local Government Act, which is as follows:

"If the council of any municipality refuse or neglect for the space of 36 days, after being duly required so to do by the Minister, or any person lawfully authorized by him on that behalf, to comply with and obey any decision of the Minister under the last preceding section, or to furnish accounts, or to give and furnish any returns or other information requested by such Minister in
relation to their proceedings under and by virtue of this Act, or in compliance with any resolution of either the Legislative Council or Legislative Assembly asking for the same, it shall be lawful for such Minister, on complaint to him of such default, to cause, by order under his hand, all or any moneys payable, or to become payable, to such municipality, out of the consolidated revenue, or on account of the fees, fines, or penalties which may be payable to such council, not to be paid until such decision has been complied with and obeyed, or such accounts, returns, or other information aforesaid has been duly furnished to the satisfaction of the Minister.

The result of carrying the amendment would be that Government could ensure the opening of the closed roads it wanted to see opened, or else subject the municipality refusing to open them to a very severe pecuniary penalty, thereby mgay claim to be a sort of absentee tax, but I don't think the public roads are spending it. It is as follows:

"One of the most magnificent entertainments of the London season was that of Sir Samuel and Lady Wilson in Grosvenor-square. The noble reception rooms were hung with brocaded satin, and glittered with glass and gold; candelabra with innumerable wax lights swung on long gilt chains in the perfumed air."

The SPEAKER.—Is this pertinent to the question?

Mr. LONGMORE.—I am showing how the men who gain money in this colony out of closed public roads go home and make fools of themselves by entertaining titled people who don't care a farthing for them, and only visit them for the sake of the luxuries they provide.

The SPEAKER.—That might be an excellent argument for an absentee tax, but I don't see that it relates to the present question.

Major SMITH.—I understand the honorable member for Ripon to point to the results that flow from people being allowed to use closed roads, and pay nothing for them—to the pecuniary gains they derive from the practice.

Mr. LONGMORE.—It is no matter; I will adopt the view of the Speaker, and read no more of my extract. It would only show how a gentleman who derives profit from closed roads here is befooiling himself at home. Not that he is the only member of his family who closes roads. I find from a public document that Alexander Wilson, of Mount Emu station, has 600 acres of closed roads, and 200 acres of Mount Emu Creek reserve, while John Wilson, of Travalla, has 960 acres of closed roads, and 340 acres of the same creek reserve. That is one of the ways in which money is made by robbing the people of the colony of their rights, only for the purpose of spending it lavishly and
foolishly in the mother country in hunting for titles and titled personages. An honorable member who, perhaps, would not like to say a word offensive to a child—who is almost as delicate as a lady—a little time ago described a certain class of traders as 'Custom-house thieves,' but in what terms would he describe the man I am referring to? I scarcely think he could find an expression strong enough for the purpose. Some twelve months since, the Minister of Railways was on a particular tour of inspection—looking after new railway routes—with some members of the press in the shire of Mount Rouse, and a newspaper report of his proceedings contains the following:

"Arrived at Nareeb Nareeb, the hospitality of Mr. Gray was avoided of, an excellent lunch being in readiness. At two o'clock a fresh start was made, and the track all the rest of the way to Caramut lay through the closed roads of the largest estates; a boundary rider of Mr. Gray's being considerably pressed into the service to ride on ahead and open and shut the numerous gates. While doing the honours of Nareeb, Mr. Gray explained that, owing to the opposition of a neighbour, he had not been able to get the roads opened up for traffic, and Mr. Bent asked for his photograph, so that he might exhibit it as the likeness of the first landowner he had met with who wanted the closed roads opened."

But what was the reply to this? Shortly afterwards the following appeared in the Hamilton Spectator:

"CLOSED ROADS AT NAREEB NAREEB.

"SIR.—In reading over your account of the late visit of the Minister of Railways to this neighbourhoood, you make Mr. Gray of Nareeb Nareeb, to utter the following startling words:—'That, owing to the opposition of a neighbour, he had not been able to get the roads opened up for traffic.' Now, sir, I think that neighbour is myself, and with your kind permission I should have the closed roads question settled on these terms:—I am, &c.,

"G. THACKER.

"Bilpah Hills, Glen Thompson, September 24th, 1881."

That shows an aspect of the closed roads question which is worth looking at. It is sometimes said that the question of closing roads is one which should be in the hands of the shire councils, but what have the shire councils concerned to do but to carry out the views of those they represent? One might just as well speak to the winds against closed roads as to the proprietors of the large estates or their creatures, the shire councillors.

Dr. MADDEN.—The law is open to compel the shire councils in the matter.

Mr. LONGMORE.—I can understand the honorable member for Sandridge liking plenty of business, but it seems to me private persons ought not to be compelled to involve themselves in lawsuits in order to establish public rights. Here is another newspaper extract referring to the closed roads in the shire of Mount Rouse. It is part of a letter written by Mr. A. Cameron, of Burnside, Strathmore, and is as follows:—

"I have been trying for the past five years to relieve this majority in the Mount House Shire Council of a distressing ophthalmic disease which prevents them from seeing the just wants of others. Possibly, if my wants did not in any way inquire on the self-given right of ring fencing all the public roads in their domains, the disease might give way under the treatment offered. As it is, it seems incurable. I have written letters innumerable to them on the subject of opening certain roads near my property, to no purpose. I attended personally, and pointed out the hardship and inconvenience I was compelled to suffer by having to travel several miles round to get to their place of meeting, when a shorter way could be obtained by opening the said road. They promised that all obstruction should be removed. The promise was fair, but the fulfilment was wanting."

And it will be wanting until the end of the chapter. I have made a little calculation that may be of interest. Honorable members will recollect that, some years since, a Royal commission went through the country seeking information on the subject of closed roads. They sought it from every shire, but it was not every shire that would afford it. On the contrary, some shires were determined that, as far as they were concerned, no such information should be forthcoming. Nevertheless, I find from the report of the commission that the shire of Mortlake includes 1,247 miles of closed roads, which represents an area of 10,000 acres. What does that mean? That, reckoning the cost of fencing those 1,247 miles of road on both sides at £50 per mile—or a total of £124,700—and adding to that amount 5 per cent., per annum, the large land proprietors of Mortlake have saved themselves during the last 20 years no less than £316,000. Is it any wonder that these men become absentees—that they go home and spend the money which they have unlawfully taken from the people of this colony? I don't know in what terms this House ought to be characterized—of course it is an honorable House—but surely it is greatly to blame for allowing these men to use for 20 years property belonging to the public and to depa...
the public from passing over roads which ought to be of service to them. Five or six farmers came to me during my last election tour, and pointed out that there were two closed roads leading to Ballarat, a distance of 30 miles, and stated that the opening of those roads would enable every farmer in the district to obtain 1s. 6d. more per head for all the sheep which he sold in the course of the year. The tax put upon the people by these large robbers being allowed to hold the closed roads is enormous. In the particular case to which I am now referring, farmers are debarred from travelling over the two roads which lead direct to their principal market, simply because one of the large landed proprietors has closed the roads.

An Honorable Member.—Why don’t the people open the roads?

Mr. LONGMORE.—Very few people like to commence an action in the Supreme Court against a wealthy man or against a shire council.

Dr. MADDEN.—They need not go into the Supreme Court; they can go into a police court.

Mr. LONGMORE.—They may take proceedings in a police court, but, if they do so, the only result will be that they will learn that the police court has no jurisdiction. The Closed Roads Commission stated in the appendix to their report that the land in the shire of Mortlake is worth 3s. 6d. per acre per annum; so that, as I have already told honorable members, the annual value of the closed roads in that shire is £2,497, and that rental, during the last 20 years, with 5 per cent. added, would amount altogether to upwards of £82,000. By not employing labour in fencing their land, and by enclosing the roads belonging to the public and using the grass on those roads, about ten individuals in the shire of Mortlake alone have obtained some £400,000 during the last 20 years. That is about the state of the case. There are other shires which contain a large area of enclosed roads. The shire of Hampden is just as great a sinner in this respect as the shire of Mortlake. When the members of the Hampden Shire Council found that I was taking action in this House with the view of getting the closed roads gradually thrown open to the public, they immediately made an effort to defeat the object of the motion by granting permission to erect swing-gates. The erection of swing-gates is the next fraud which they desire to perpetrate on the public.

A legal decision has been given that if a man is injured by a swing-gate, or if his vehicle or horse is injured by his alighting to open or close a swing-gate, the shire council is responsible for the injury. A case in point was tried in the Supreme Court, and the shire council had to pay the penalty. The large landed proprietors in the shire of Hampden have not only closed the roads, but they are now asking the public to provide money for the purpose of compensating any one who may suffer injury or damage by swing-gates after they are erected. It is monstrous that men shall be allowed to erect swing-gates across closed roads, and that the funds of the ratepayers shall be liable to pay compensation for any injury that may be done, or to make good any damage that may be caused by the swing-gates.

Major SMITH.—The men who have enclosed the roads are members of the shire councils.

Mr. LONGMORE.—No doubt; and they go into the shire councils in order to protect themselves in the use of the roads. Some honorable members assert that the shire councils have as many roads as they can maintain, and that they are not responsible for any accidents that occur on roads which are open but are not made. There was never a greater fallacy. Half the roads that are open in the shires are not made, and will not want making for the next ten years. The shire councils are not responsible for any accident or damage to property caused by any natural impediment; but they are responsible for casualties caused by impediments which they have put up themselves. A shire council is responsible, for instance, if it leaves a heap of stones in the centre of a road and an accident is caused thereby, or if it digs a hole in the middle of a road and any person falls in or any property is damaged by the hole. The shire councils not only allow the roads to be closed, but they put forward the dishonest plea that if the roads are thrown open they will be responsible for any accidents that may occur on such roads, although they well know that the assertion has no foundation in fact. I hope that this House will determine that the public shall be allowed to travel on the roads which the State has provided for them, and that they will not permit the shire councils to continue to receive money from the State if they consent to the roads being kept closed. I think that the proposition I have submitted is a very moderate one, all things considered. The large landed proprietors have kept the roads closed for 20 years; they have made immense sums of money by so
doing; and, while preventing people from travelling over the roads, they have deprived labour of its rights, because they have put up ring fences, which have saved them from the necessity of employing labour which they would otherwise have been compelled to employ. All that my motion asks is that one-eighth of the closed roads in any municipality shall be opened before any further subsidy is paid to the local council. If the Government are true to their principles the motion will be carried, and they can act upon it at once.

Dr. MADDEN.—No.

Mr. LONGMORE.—Does the honorable member mean to say that what is proposed in the motion cannot be done by attaching a condition to the vote for local bodies?

Dr. MADDEN.—Certainly not, unless the condition is put into the Appropriation Act.

Mr. LONGMORE.—Exactly; and that is what I ask the House to do. Upon a former occasion two or three members of the present Government supported a similar motion. No Ministry deserves to hold office, and no member is worthy of a seat in this House, who would allow public property to be seized by a class.

Dr. MADDEN.—The Legislature has already provided for the opening of closed roads.

Mr. LONGMORE.—The Legislature has not provided for it. The Local Government Act is not sufficient for the purpose, and the honorable member who introduced that measure knew very well what he was doing when he agreed to the provisions in it relating to closed roads. I give him credit for knowing that they would be ineffective. He now sits in his place and laughs at the prospect of the Government not supporting my motion. It will be degrading to them, and degrading to the House, if they are willing to allow public property to be seized by private individuals. Of course we know that there are some members on the Ministerial benches who desire to serve the large proprietors, and want them to hold public property, but I have a right to claim the votes of those members of the Government who supported the motion on a former occasion. The mere fact of their now being in office should not alter their views on the question. After all the discussion which has taken place on the subject, and after the warning which those who hold the closed roads have received, this House would not do any more than its duty if it demanded that all the closed roads should be opened in a month; but all that the motion asks is that one-eighth shall be opened every half-year, so that in four years all the closed roads will be open. I trust that the House will adopt the motion.

Mr. C. YOUNG.—Mr. Speaker, I shall certainly not vote for any such utopian proposition as that which the honorable member for Ripon and Hampden has brought forward. The shire councils are most respectable bodies, and have done a great deal to advance the interests of the colony. The public actions of the members of those bodies will compare most favorably with those of the honorable member. Instead of charging those who occupy the closed roads with fraud, with robbing the public, and with afterwards spending their ill-gotten gains in foreign countries, the honorable member should adopt the more reasonable and sensible course of proposing that power be given to the shire councils to let the roads which are not required for traffic. By that means he might secure to the shires a revenue of something like £3,000 a year for the use of roads that are not wanted by the public. The men who occupy the closed roads have over and over again declared their willingness to pay a fair rent for the use of them; but the honorable member for Ripon and Hampden first refuses to allow them to pay a rent, and then charges them with fraud because they do not pay for the use of the roads. The honorable member’s proposal appears to me to be opposed to all justice and reason. I desire to say a few words on the subject from a shire council’s point of view. As honorable members are aware, in the early days of the colony the public roads were, as a rule, first marked out on paper, the intention being to have a road on each side of every square mile, or 640 acres. The consequence was that many of the roads, as marked out on the plans, went across rivers, creeks, and impassable gullies. Last Monday week, when I was at Evansford, there was pointed out to me a closed road which runs across a gully that is absolutely impassable. The landed proprietors in the neighbourhood, Mr. Gordon and Mr. Fraser, allow the traffic to go across their paddocks, but, if the closed road was opened and the private paddocks closed, people who wanted to go to Clunes or Maryborough would be completely shut off.

Mr. LONGMORE.—That is all provided for in the Act.

Mr. C. YOUNG.—No doubt the shire council might take steps to have the closed road opened, but if they did so, they would
immediately be called upon to erect a viaduct across the gully, which would cost £15,000, and it is impossible that they could undertake an expensive work of that kind. There are cases of a precisely similar character in my own district. There is a road marked out across the Campaspe, east and west, at a place where the river bends, and, if that road was thrown open, to render it of any use it would be necessary to construct a viaduct along the course of the river for a considerable distance. In fact, if the motion was carried, a burthen would be imposed upon the shire councils which they could not possibly undertake. There are very few cases indeed in which the public are inconvenience, or put to any annoyance, by the roads at present closed being kept closed. The honorable member for Ripon and Hampden has mentioned one complaint; but I remember seeing the name of the same complainant in connexion with another case, and it appeared that he did not want the road at all, being actuated merely by a feeling of spite. I am sure that, as I have already said, the shire councils could not possibly undertake the works which would be required if the motion was carried. They would come to Parliament and say—"You have imposed a burthen upon us, give us the money to enable us to bear it." The proper course to adopt, and the one which I would suggest that the honorable member for Ripon and Hampden should turn his attention to, would be to give the shire councils the power to charge a rental for the use of the closed roads, and allow swing-gates to be put across the roads. The rental, of course, would only entitle the occupiers to graze their sheep or cattle on the roads, and would not give them any claim to the fee-simple of the roads or any right of occupancy beyond the current year for which the rental was charged. There might also be a provision enabling any ratepayer who felt himself aggrieved by any road being kept closed to petition the Minister administering the Act, who should have power to inquire into the alleged grievance and to order the road in question to be opened, if he thought fit.

Mr. FISHER.—All that can be done now.

Mr. C. YOUNG.—I am very glad to hear it; but I think that shire councils cannot allow swing-gates to be put up.

Mr. FISHER.—Yes, with the consent of the Governor in Council.

Mr. C. YOUNG.—If the shire councils were allowed to charge a rental for the use of the closed roads, they would obtain a revenue of at least £30,000 a year from that source, and I am convinced that the arrangement would work fairly and well. In making this suggestion, I believe that I am expressing the opinion of the shire councils. They are the best judges in the matter, and they desire that no action of the kind proposed by the honorable member for Ripon and Hampden should be taken. If the motion is carried, and given effect to, the municipal subsidy will have to be increased by £100,000 a year.

Mr. PEARSON.—Mr. Speaker, I think that the suggestion of the Minister of Public Works, with one slight exception, would really meet the case. No one wants to see the public lands seized by any particular class for their own benefit, or occupied without payment. Legislation on the question of closed roads is undoubtedly required, but the means proposed by the honorable member for Ripon and Hampden for dealing with the subject is of that impracticable kind which has kept back all legislation on the subject for the last twenty years. During that time the want of legislation has caused a loss to the country at large, not of £400,000, as the honorable member states, but of something like £600,000. I am quite certain that the country is not pleased with the motion under discussion. Two of the municipal councils in my district, those of Castlemaine and Chewton—the latter place being one of the most liberal places in the country—have urged me to oppose the motion. Only the other day some of the municipal councillors told me that a course such as that alluded to by the Minister of Public Works, and such as I embodied in a motion only last October, would exactly meet their wants.

Mr. C. YOUNG.—And you have not a squatter in your constituency?

Mr. PEARSON.—There are a few squatters in my constituency, but the majority of my constituents are small men. In a great number of places it would be an advantage to allow the adjoining landowners the use of the closed roads for a fair equivalent.

Mr. LONGMORE.—Why don't you sit on the other side of the chamber?

Mr. PEARSON.—It is the honorable member who ought to sit on the other side, as it is entirely through him and one or two other honorable members that the landowners have remained in possession of the closed roads so long without paying anything for the use of them. I wish to call particular attention to the monstrous nature of one of the honorable member's assumptions. The honorable member has argued, apparently, that
it would be an advantage to the country if several hundred thousands of pounds were spent in employing labour on fencing. I think I am right in ascribing this view to the honorable member.

Mr. LONGMORE.—No.

Mr. PEARSON.—Then I don't understand the honorable member's argument.

Mr. LONGMORE.—I say that these people have deprived the wage-earning community of their rights; that they have fenced the people off the roads which the public have a right to travel on; that they have not employed labour, as they should have done, in fencing their land abutting on the roads; and that by that means they have done an enormous injury to the country.

Mr. PEARSON.—I think the House will see that I have interpreted the honorable member correctly. It may not have been the main part of the honorable member's argument, but it was a substantial part of his argument, that the occupiers of closed roads ought to have spent money in putting up fences where fences are not wanted.

Mr. LONGMORE.—I never said they should have put up fences where fences are not wanted. The honorable member is putting words and sentiments into my mouth that I did not utter.

Mr. PEARSON.—If the honorable member did not mean what I say, I am absolutely puzzled to know what he did mean. With one portion of the honorable member's argument, however, we all agree, namely, that no man has a right to grass which he does not pay for. If the question of closed roads had been settled sensibly 20 years ago, the country might have received money for their use all this time. Many of the roads were laid out before the surveyors or any human being could possibly know whether they would be useful or not. In some cases closed roads lead to impenetrable bush or into the perpendicular side of a hill; but still it is better that roads should be so laid out that they should not be marked out at all, because, if they are useful for nothing else, they may be useful for exchange at some future time. The public right to them should be maintained by the erection of swing-gates. But if we force the occupiers to fence off every road, so much money will be absolutely thrown away, and, what is infinitely more important, a great deal of labour will be thrown away. In this new country, we have not labour to squander on useless fences. This is an economic view of the case, which I commend to the attention of the House. I would ask the honorable member for Ripon, and those who support his motion, whether it would not be better to adopt such a compromise as could be carried into law without the least difficulty—to adopt, in fact, the suggestion of the Minister of Public Works to allow the municipal councils to put up swing-gates and obtain a revenue from the closed roads? I believe, however, that it would be better to charge for the use of the swing-gates than to charge for the use of the grass. I am told that a legal opinion has been given to the effect that by that means the public right to the roads would be more safely secured, and the possibility of any claim to the fee-simple being set up by the occupiers of the roads would be effectually guarded against. A motion embodying this suggestion, if carried in the Assembly, would pass through the other House without difficulty. At all events, if it was not passed by the Council, the liberal party would undoubtedly have another and a very strong cry when they next go to the country. I believe, however, that the compromise would be willingly accepted. Many struggling shire councils would be only too glad to get a rental for the use of the closed roads within their jurisdiction; but at present they get nothing from them. I quite admit that private individuals cannot be expected to open closed roads, because, even if they exercised their undoubted right to cut down fences across such roads, they cannot always tell the exact track of a closed road, and in cutting fences down they would in many cases run the risk of an action at law. From first to last the honorable member for Ripon has been fighting the question of closed roads on false lines. As far as I can see, the honorable member's motion, if carried, would lead to an obstinate quarrel with the other House, out of which this House, if it succeeded, would gain nothing, and if it was beaten, it would lose almost everything.

Dr. MADDEN.—Sir, the honorable member for Ripon and Hampden seems to be unable to distinguish between a desirable object and an exceedingly undesirable means of accomplishing it. I do not suppose that there is anybody in this House—and possibly there are very few persons in the whole country—who would wish that lands belonging to the State should be seized by a certain class, and illegitimately occupied by them. I have never yet met any person who was prepared to defend such a position.

Mr. LONGMORE.—You have voted for it.
Mr. LONGMORE.—The same thing is done in every Appropriation Bill.

Dr. MADDEN.—I would feel obliged if the honorable member would point out an instance in which it has been done successfully. If the Government are prepared to give effect to the honorable member's motion, if carried, by attaching a condition to the municipal subsidy when it is embodied in the Appropriation Bill, all that I can say is that I congratulate them on feeling themselves sufficiently strong to court a quarrel with another place, seeing that stronger Governments, according to repute, have hitherto failed in similar circumstances. But I venture to say that the Ministry will not be at all disposed to challenge the Upper House to a contest upon a constitutional question of this magnitude at this period of the session. They have their hands sufficiently full with other matters without dabbling in what has proved an interesting but disastrous subject to former Governments. Under all the circumstances, it appears to me that to discuss this question now is only a waste of time. If the Government are prepared to give effect to the motion, let them say so; if not, it is the duty of honorable members, one and all, to vote against it.

Mr. BERRY.—Mr. Speaker, I thoroughly concur with one remark of the honorable member for Sandridge. It is useless, and worse than useless, to bring forward a motion of this kind, and to carry it, if it is to be allowed to remain as a dead letter, without any effect whatever. A similar motion, for which some members of the Government voted, was carried last year, and it should have been given effect to by a condition being attached to the subsidy for municipal councils in the Appropriation Bill. That could have been easily done. The same thing has been frequently done in regard to other votes included in the Appropriation Act. Grants have been made subject to the condition to the municipal subsidy when it is embodied in the Appropriation Bill, all that I can say is that I congratulate them on feeling themselves sufficiently strong to court a quarrel with another place, seeing that stronger Governments, according to repute, have hitherto failed in similar circumstances. But I venture to say that the Ministry will not be at all disposed to challenge the Upper House to a contest upon a constitutional question of this magnitude at this period of the session. They have their hands sufficiently full with other matters without dabbling in what has proved an interesting but disastrous subject to former Governments. Under all the circumstances, it appears to me that to discuss this question now is only a waste of time. If the Government are prepared to give effect to the motion, let them say so; if not, it is the duty of honorable members, one and all, to vote against it.

Dr. MADDEN.—But in no instance did the condition amount to a repeal of the existing law.

Mr. BERRY.—There is no doubt that a resolution like that which the honorable member for Ripon asks the House to adopt
would be binding, if attached to the vote for municipalities, and embodied in the Appropriation Bill, and I do not anticipate that there would be any objection in the other Chamber to the Appropriation Bill if it contained such a condition, because the vote for municipalities is a grant of money freely given by this House, and this House can attach whatsoever conditions it pleases to it. There is no doubt about that. I do not know that I would have risen to speak on the motion but for the very altered tone of the debate, and the apparent misapprehension of the whole meaning of the subject. The question has dwindled down to one of the shire councils obtaining a rent for the grass which grows upon the closed roads. That is a very small question, and I think that the motion would scarcely be worth the attention of the House unless there was something much more underlying it. If I understand the matter aright, the real importance of the question of closed roads, next to the convenience of those who wish to use them—or, rather, I may say before that—is the lingering hope in the minds of many land reformers that the opening of closed roads will be one means by which the large estates, which in some parts of the country are perfect wildernesses, from the absence of human habitations, will be subdivided by the fencing that will thereby be rendered necessary. It is one of the modes by which the desires of past legislators may yet be given effect to. But, as I have said, I cannot help thinking how we have deteriorated on this question. In the old days, almost before the advent of pronounced liberalism, those who were responsible to the country did take all the precautions they could under the existing law, by the subdivision of the land into small allotments, and running roads round every square mile of country that was surveyed. The theory was that, whilst the land was not wanted for settlement, it should remain with the pastoral tenant, but that, when it was required for settlement of a higher character, it was to be sold by auction, and no obstruction was to be placed in the way of settlement by the absence of roads. If that bargain had been kept, the country would have been in a different state now from what it is in. The officers of the Government did their duty by surveying the land in blocks as small as 80 acres, suitable for farming purposes, taking precautions that there should be roads to those farms. But the result was that the small farmers who wished to buy the allotments were met in the auction-room, and outbid for the first allotments that were offered, and subsequently the whole of the allotments were purchased by the pastoral tenants, and, to a certain extent, the roads provided thus became useless. The settlement those roads were intended to serve does not exist; it was wiped out. Then the pastoral tenant, having bought up the allotments, naturally absorbed the roads, and ran his ring fence right round his original tenancy, just the same as though there had been no survey whatever, no public auction, and no attempt at settlement. To that extent the pastoral tenants checkmated the intention of the Legislature, and, to a large extent, the primary object of those roads has been defeated by the want of the settlement that was intended when the lands were subdivided into small allotments and offered for sale by auction. But the question is—Are we going to sit down under that state of things? Is this House so enamoured of the large estates that it will not even ask the owners of them to restore to the public property which belongs to the public, and which the holders of those large estates have been using for years without any right? We woke up to the importance of this question some years ago, when Mr. Justice Higinbotham was a member of the House, and the debates at that period will compare curiously with the discussion we have heard to-night. No apology was then offered, except by a very small section of the House, for the taking and fencing in of these roads in the way they have been fenced in by the owners of large estates. An Act was passed which, although not so stringent as Mr. Higinbotham, I, and others desired, imposed the duty on the shire councils of opening these roads, and a time was given to those who had fenced in the roads to enable them to set their house in order. A time was allowed for the fencing off of the roads, because it was urged that, if the work was required to be carried out immediately, there would be such a demand for fencing as to cause an undue pressure. The question was debated and settled by the Legislature. Amendments came down from the other House, which were accepted by this Chamber with some modifications, and that was supposed to be the final settlement of the question. Are we going to recede from that position now? The duty then imposed upon the shire councils has never been fulfilled. They have never opened those roads. I don’t suppose that any one desires to open roads that lead nowhere, or roads in which there are natural obstructions that could not be overcome unless at a large expense; but because there are some

Mr. Berry.
Mr. BERRY.—I have the honorable member with me so far, and I don't want to go any further. I only want to maintain the right of the country to open these roads at any time. I do not say that it is necessary that every road should be thrown open. That might do an injury to individuals without doing any good to any one. But I do say that if even a few persons can show that they are sent miles out of their way by the closing of a road, and that they want it opened, not for the purpose of injuring any one, but simply because they require the convenience, that should be sufficient to cause the opening of any road, and, if the shire council will not open it, the Government of the day should see that it is thrown open, and kept open for the convenience of the public. If that is done, I ask no more. I confess, however, as I said at the outset, that the chief importance which the opening, wisely and gradually, of the closed roads has in my eyes is that I look upon it as one of the means which will lead, at no distant date, to a subdivision of the large areas of land in this colony.

Dr. MADDEN.—Introduce a Bill of one clause to the effect you have stated, and the whole House will support it.

Mr. BERRY.—I should be most happy to consider whether even this session a Bill of that character could not be introduced. The chief reason why I rose to speak, however, was because the tone of the debate seemed to indicate that there was a change of opinion on this question which would be likely to lead to a change in the voting. I think it would be very undesirable that this House, even although it has not enforced—as I think it ought to have done—its views on the question, should cause any doubt as to its adhering to the principle which underlies the present motion. The principle which the honorable member for Ripon contends for is perfectly right, even though the honorable member may be injudicious in his language, as I think he sometimes is. If I turned my attention to the honorable member, I could tell him perhaps a few home truths—for instance, that he himself is largely to blame for the position of comparative powerlessness he is in with regard to the question, as contrasted with the position he was in for dealing with this and other subjects two or three years ago. However, I do not wish to go into that. I want to point out that this House has always, by large majorities, asserted the right to these roads, and the principle that they ought to be opened; and I would be very sorry to see a
division taken to-night that would in any way weaken the cause of those who really desire to see this country largely settled by an agricultural community. That is what I look at. I do not care for the money for the grass, nor have I any personal experience of the inconvenience which persons are said to suffer from the closing of the roads, but I feel very strongly with regard to the ultimate settlement of the country by an agricultural community; and I look upon the roads which the country possesses, running through the large estates, as one of the means by which some day or other the country, through the Legislature, will assert itself, and bring about that agricultural settlement. The honorable member for Sandridge seemed to think that the Government would not vote for the motion of the honorable member for Ripon. I find, however, that when the motion was before the House last year the whole Government, including the Minister of Public Works, voted against the proposal of the honorable member for Castlemaine (Mr. Pearson), which the Minister of Public Works has supported to-night. The amendment was negatived by a majority of 35 to 18, and the original motion was then carried without a division. I do not know anything that has happened since to produce a different result if a division is again called for on the question. Certainly the non-enforcement of the resolution which was passed last year may have brought upon the question a certain amount of indifference, because I think that, when the House deliberately passes a resolution that a certain and the surest and most efficacious division will only do their duty, and carry out the policy which would only do their duty, and carry out the policy 1880. Of course that was before the honorable gentleman became the leader of the conservative party—before the conservatives filed him from us and put him at the head of the Government, supposing him to be a conservative. On that occasion the Premier said very much what I have stated to-night. He remarked—

"If the councils of the various municipalities would only do their duty, and carry out the policy of the existing law, all the closed roads in the colony could be opened."

When we are endowing with over £300,000 a year shire councils who do not do their duty, according to the then language of the Premier, is it an unreasonable thing to say that those councils which do not do their duty shall not share in the endowment?

Dr. MADDEN.—It is the shires they represent which would be penalized in that case.

Mr. BERRY.—You cannot separate the one from the other. In many cases the shire councils consist of the very gentlemen who have absorbed the roads. The Premier also went on to say—

"I thoroughly concur with the honorable member for Ripon as to the urgency for this House taking some action in the matter, and not waiting for the passing of a Bill. The Assembly has the remedy in its own hands. It can determine that it will only give money to municipalities on condition that they discharge their legal obligations. The House, in my opinion, will act with great negligence of the public interests if it throws away this opportunity of carrying out the wishes of the people as already expressed on the statute-book. ... Two years ago a land tax was passed with the object of preventing the accumulation of large estates, and the surest and most efficacious way of promoting that policy would be to get the closed roads thrown open."

I echo that sentiment, which is exactly what I have expressed to-night.

Mr. ROBERTSON.—Sir, I have been a member of a shire council for a considerable number of years, and numbers of applications have come in to that council for the opening of roads, and I know of no instance in which an application of the kind has been refused. I also know, as a fact, that some of the shire councils to which the honorable member for Ripon has referred have refused no such applications either. I believe the honorable member has been misinformed on the subject.

Mr. LONGMORE.—There is not the slightest fear of it.

Mr. ROBERTSON.—The honorable member is not always careful about his facts. The other night, for instance, he stated that the Beeac line would go through my property, and I believe some of his statements on the present occasion will be found to be just
Railways Bill. [October 11.] Koo-wee-rup Swamp. 2053

as inaccurate. I beg to move, as an amend-
ment on the motion, that the words after the word "That" be omitted, with the view of substituting the following:—

"Inasmuch as the avowed object of opening the closed roads of the colony is to supply a supposed public want, without detriment to the public welfare, this House is of opinion that a legal power of restraining the compulsory opening of all closed roads in any shire should be placed in the hands of the persons most deeply interested and affected, viz., the inhabitants themselves, who are entitled to protection from the injurious consequences which would arise from such compulsory opening, by some efficient measure of local option."

(Laughter.) I think I can claim the vote of almost every member on the opposition side of the House for that amendment.

Sir B. O'LOCHLLEN.—Mr. Speaker, the honorable member for Geelong (Mr. Berry) was good enough to read to the House portions of a speech I made in September, 1880, but the honorable member forgot to tell the House that he, as the head of the Government, found it just as inconvenient as the present Government do to yield to the proposition of the honorable member for Ripon and Hampden. The opinion I then expressed on the question of the closed roads are still unchanged. It has always appeared to me a most unaccountable state of things that public property should be in the hands of private individuals, and that the State should not be receiving any equivalent for it.

At this stage, the time allotted for giving precedence to private members' business having expired, the debate stood adjourned until Wednesday, October 25.

DIAMOND DRILLS.

Mr. LANGRIDGE (in the absence of Mr. Woods) moved—

"That there be laid before this House a return showing the number of diamond drills in the colony, and the work done by them to date."

The motion was agreed to.

RAILWAY CONSTRUCTION BILL.

The consideration of the amendments made in committee in this Bill was resumed.

The debate (adjourned from the previous day) on the adoption of the clause providing for the reclamation of the Koo-wee-rup Swamp, the sale of the land by auction, and the appropriation of the net proceeds to the construction of a railway from Sherwood to Alberton, and on Mr. Berry's amendment for the omission of the words relating to the sale of the land by auction, was continued.

Mr. KERFERD.—Mr. Speaker, although I moved the adjournment of the debate last evening, I would be very glad if the House, having heard the speech of the honorable member for Geelong (Mr. Berry) and the reply of the Premier, would consent to go to a division, without any further discussion on this question.

Dr. QUICK.—No; go on.

Mr. KERFERD.—I do not think the House desires to enter into a debate on the land question during the consideration of a Railway Bill, and, if I interpret the feelings of honorable members aright, I believe they are anxious to get rid of this Bill, and to send it to another place as soon as possible. I do not think there is any justification for launching a debate upon the future land policy of the country in connexion with a mere exceptional case like that of the Koo-wee-rup Swamp. I look upon the amendment of the honorable member for Geelong as being moved more with the view of affording the House an opportunity of reconsidering the decision of the committee on this portion of the Railway Bill, than as having been proposed with the intention that the House should really and seriously debate the question whether the land in the Koo-wee-rup Swamp should be sold by auction or not. If honorable members enter into a serious debate upon that question, anticipating, as they will be doing, the debate on the Land Bill, the Railway Bill will not be got rid of for weeks to come. I believe, however, that it is in the interest of the general public that we should dispose of that Bill at once. Moreover, I cannot see how the question of policy in connexion with the mode of disposing of the public lands can be fairly raised on the present occasion. We are not dealing with the land system, because it is not pretended that the mere disposal of the area of this swamp is more than an exceptional case. Since the foundation of the colony the swamp has not returned sixpence to the State. In fact, I believe, the only enterprising person who ever grappled seriously with the question of reclaiming it was the honorable member for Geelong himself, and so highly did he think of its value that he offered the magnificent sum of £25 per annum for the whole area.

Dr. QUICK.—Is not that an argument against the railway?

Mr. KERFERD.—I do not know that it is an argument against the railway, but it is a powerful argument as to the enormous sacrifice which is going to be made in selling the land by auction.
Mr. BERRY.—In that case the lessees would have had to spend £50,000 in reclamation.

Mr. KERFERD.—I think it must be a source of congratulation that the honorable member for Geelong could see his way to spend £50,000 to advantage.

Mr. BERRY.—How many years ago was it?

Mr. KERFERD.—I don't know. I merely mentioned the matter in support of the statement that, for all practical purposes, this swamp has never been of any service to the people of this country. Where, then, I ask, is the wrong in dealing with it in a way which would turn it to some account? Suppose, for instance, that for the last 25 years the land had been settled by graziers or farmers, would it not have been the means of producing a very considerable amount of wealth to the people of this country?

Mr. BERRY.—You are dealing with a different question altogether. The question now before the committee is simply whether the land shall be sold by auction or not.

Mr. KERFERD.—If it is the mere word "auction" that is objected to by the honorable member, I don't think his amendment need be seriously considered by the committee. On a former occasion when the honorable member raised this question, I gathered that he was prepared to add to the upset price of the land all the cost of drainage and reclamation, and whether it is sold by tenure, by lot, or by auction with the cost of reclamation added to the upset price, is not a point which is worth the serious attention of honorable members. If this land, when improved, is offered, say at an upset price of £3 or £4 an acre, what is the difference whether it is disposed of by selection or by auction?

Mr. LONGMORE.—The greatest difference in the world.

Mr. KERFERD.—I fail to follow the distinction. I can quite understand that where land is put up for sale by auction at £1 an acre persons might run a buyer up a few shillings, but when the buyer has to come down with a large sum such as £4 or £5 an acre, which would be of necessity the upset price of this land, I cannot see what difference it makes how the land is disposed of. The upset price will be so exceptional that it will make no practical difference in what way the land is sold. There is another class of objections to the proposal of the Government to which I wish to refer. The honorable member for Collingwood (Mr. Mirams) proposes that we should only lease and not wholly alienate the public lands. Now I would remind honorable members that we have tried that experiment already, and have had considerable experience of the leasing system. Before the Land Act of 1869, it will be remembered that the lands were opened for selection under a system by which persons paid a rent and were to have the option of paying the upset price of £1 per acre whenever they thought fit. The result was that a large tract of country in Gippsland was taken up under that system, rents were paid, and I hold in my hand a Gazette notice of very considerable dimensions containing the forfeiture of some 600,000 acres which persons who had occupied them as tenants in that way had abandoned. The Chief Secretary, who was Minister of Lands at the time, will remember the whole failure of the system. Persons took up the land, paid rent, and in some cases fenced in their holdings, and effected various other improvements, but after taking off a crop or two they abandoned the whole thing, and went to some other part of the colony, or perhaps out of the colony altogether. The system broke down because of the want of the strong inducement which was afterwards offered by the Land Act of 1869, of the occupier of the land being able to obtain the fee-simple of it. With that result before us, as it was in 1882 to return to the leasing system is to demand that we should go back upon all the experience we have gained. A most remarkable fact is that the land which was abandoned in the way I have related has since been occupied in the way the country desires. When the rent was made part of the purchase money, and the selector was thus offered the strong inducement of being able to obtain the freehold, the abandoned lands were taken up again, and are now occupied and cultivated. Underlying the whole question of leasing, there is a far larger question. Constituted as our Parliament is, the majority of the electors are persons who are upon the soil of the country, and they will always be the masters of Parliament. This House will be utterly unable, if it has an electorate of tenants, to resist the gratification of the wishes of that electorate. We shall have to give them the fee-simple of the land. Any one who went through the campaign before the Land Act of 1869 was passed knows very well that every candidate who expressed himself in favour of the rent being taken as part payment of the purchase money was cheered to the echo. And so it will be in this case. The whole theory will break down when it comes to be
Mr. KERFERD.—I have no doubt it would. Although the proposition of the Government is of an exceptional character, yet I think that to turn that large area of swamp to profitable account is a very desirable thing. Long before the Government make an attempt to utilize a piece of land which has been for so many years in a useless condition, and that they are doing it in a way by which they place themselves in the future under the direction of Parliament. They cannot rush rashly into the work, because the House must first of all give them the money, and it will not do this until it has seen the plans and proper engineering surveys, showing the scheme to be a feasible one. Under the circumstances, there ought to be no objection to the proposal of the Government. The mere objection to the term “sale by auction” is of no weight, and ought not to be used as a means of preventing the Bill from passing, and therefore I ask honorable members to get the measure through, so that it may be transmitted to the other Chamber.

Mr. LANGRIDGE.—Sir, it is not my intention to detain the House at any length. It struck me all through the speech of the honorable member for the Ovens (Mr. Kerferd) that his heart was not in his case. The honorable member referred to the lease which the honorable member for Geelong (Mr. Berry) obtained of the swamp some years ago, but I think such personal allusions should not be thrown out, because I am sure that the honorable member for Geelong is one of the last men in the House to indulge in any personality whatever. I know very little about the Koo-woe-rup Swamp, but I have travelled in the country lying beyond it, and I can quite understand that a railway in that direction will open up a large fertile region. In my opinion, there is not the slightest necessity for reclaiming the swamp at the present time. The Government are making a retrograde movement in the land policy of this country, and I think the Premier, who, up to the present, has ranked himself among the foremost land reformers and liberals in the country, will regret that he has thought proper to make a stand upon the proposition embodied in the clause dealing with the reclamation and sale of the swamp. Are we to understand that there is so little good land available in the colony at the present time that it is absolutely necessary for us to drain this swamp for the purpose of obtaining a sufficient sum of money to construct the railway.
with? I am convinced that we have not sufficient money to construct more than two-thirds of the lines contained in the Railway Bill, and, that being the case, I can see no objection to putting this line in the same category with those which will have to be left untouched from want of funds. I hold in my hand a plan of the Nekeeya Swamp, in the counties of Ripon and Borung, which it was attempted to drain some years ago. The selectors in the district took the matter up, but when the swamp was drained it was found to be utterly worthless for purposes of cultivation, and it ultimately fell into the hands of one individual. The adjoining land, also, was not so valuable as it was before. I mention these facts to show that I do not think that such great results will flow from draining the Koo-woo-rup Swamp as some honorable members seem to imagine.

Mr. LONGMORE. — The Nekeeya Swamp was a miserable clay swamp.

Mr. LANGRIDGE. — That may be so, but I am strongly inclined to question the propriety of draining swamps in this country at the present time for purposes of settlement. It will be time enough to do that when all our other available land is used up. This affair of the draining of the Nekeeya Swamp occurred in 1872, and the following document in reference to it will show how it ended:

"In 1872, Mr. Casey, in compliance with the wish of sundry interested parties in the Ararat district, applied to have a beautiful sheet of water removed from what was then known as Lake Nekeeya, in the parish of Nekeeya, between Ararat and Stawell, on the plea that the soil beneath the water was very valuable for farming purposes. The lake was drained, and the coveted area parcelled out to the chief agitators, who very soon found that the ground was well suited to hold water, but quite unsuited for cultivation purposes, the soil being cold and very poor. The whole area, about 2,300 acres, is now held by one man — a Mr. Vaillance, who is a local grazier — the original holders having been starved out. Previous to the lake being drained, the adjoining and neighbouring farms were noted for special fertility in crops and grasses. Now the climate has quite an opposite effect on the soils of the said farms, caused by draining the lake. During 1870 and 1871 it was frequently noticed and felt that a refreshing mist continually floated round the shores of the lake, keeping the surrounding land quite moist for a radius of two miles, even during the heat of summer. Often people have driven and ridden round the lake in order to refresh themselves and horses when suffering from the excessive heat a few miles off. In 1874 several of the adjoining farmers had to part with their farms, owing to the parched condition of the soil and atmosphere, the rainfall having seriously diminished since the lake was drained."

It may be said that what took place in connexion with the Nekeeya Swamp cannot be apprehended in draining the Koo-woo-rup Swamp, because the latter is close to the sea, and has a large rainfall, but it must be borne in mind that the drainage of the swamp is at best an experiment, and in my opinion it is a great mistake to introduce such a matter into a Railway Bill. If the Government want to introduce the principle of sale by auction they should propose it in their Land Bill, but I object to it being brought before honorable members by such a side-wind as this. The Government would do wisely to withdraw the proposal from the Bill altogether, and simply be content with receiving authority to construct the railway.

Mr. WRIXON. — Mr. Speaker, I wish to say a few words in explanation of my intention of voting against the proposal to reclaim the Koo-woo-rup Swamp being inserted in the Railway Bill. I have been opposed to it from the first, and on two occasions I have voted against it. I think the drainage of a swamp has nothing whatever to do with a Railway Bill. We might as well put into such a measure a proposal to raise revenue by a duty on beer as insert such a clause as that relating to the Koo-woo-rup Swamp. I believe it would be a serious mistake in legislation to agree to the proposition of the Government. We had a similar case before us once before, and that was when we passed the Chinese Immigration Act, in which the electoral question, which was altogether apart from the main object of the measure, was dealt with. The amendment of the honorable member for Geelong (Mr. Berry) strikes at the key of the whole clause, and I shall vote for it, though I have no wish to jeopardize the Bill as a whole.

Mr. MACGREGOR. — Sir, in my opinion, the Government, by the clause relating to the Koo-woo-rup Swamp, are practically making a Land Bill of their Railway Bill, and I am sorry they do not see that, by insisting on that clause being carried, they are forestalling the former measure, which, it is understood, is shortly to be introduced. If they have any difficulty in obtaining funds with which to construct the railway running in the direction of the swamp, I would suggest that, instead of setting aside £200,000 from the consolidated revenue for three years only, they should continue the appropriation for another year. By that means the difficulty would be cleared away. I am in favour of the line, but there is great objection to mixing up with it the draining of the swamp. I was surprised at the Premier basing his argument in favour of selling the swamp upon the assumption that the land has a special
value. If he regards this particular case in that light, where is he to draw the line? Clearly, the whole of the 500,000 acres which lie along the route of the line, and which he says will be thrown open to settlement by the construction of the railway, will have an enhanced value, and I want to know if it is to be sold under similar conditions to those under which it is proposed to sell the swamp? It ought to be, if the argument used by the Premier is carried to its logical conclusion. I am certain that if the swamp is sold by auction it will be impossible to prevent it from going into the hands of a few capitalists, who, after purchasing it, will make no use of it. The very moment it is bought it will be offered in lots to farmers at a high rental, and will be advertised as equal to the best land in the colony. Supposing that the land is offered at £5 an acre, then, if a farmer wants to obtain a block of 300 acres, he will have to pay £1,500 for it, and I ask if it is likely that there are any small farmers in this colony who will be prepared to put down that large sum? If by any means they are able to do so, they will have no capital left with which to cultivate and stock their farms. Then as to selection, a farmer who takes a piece of land under that principle will have to spend a certain sum on improvements, and pay another sum to the State, but I think it would be better if he were allowed to spend all his capital on improvements and pay a certain rental for his property, as the produce of his labour on such excellent land would easily enable him to do. If these 72,000 acres were leased out at 5s. per acre, £18,000 would be received from the tenants in the first year, and so on until in two years and a half or three years the whole of the original amount expended on the drainage of the swamp would be recouped. To say that because the land has a special value it must be sold by auction is to begin a system which may be extended ad infinitum. The honorable member for the Ovens (Mr. Kerferd) says that the leasing system has proved a failure in this country. In Emerald Hill it has been a success. The orphanage block in that suburb has been leased out to different parties, and it is being built upon to such an extent that there will soon not be a single foot of it available. It is let on a 33 years' lease, and the transaction is proving a most profitable one to the orphanage committee.

Mr. MCGREGOR.—It is a splendid case for showing how successful the leasing system may be made. At the end of the lease all the land, together with the buildings erected thereon, will be handed over to the orphanage committee. If the leasing system has been a success in Emerald Hill, what is to hinder it from being a success when applied to the land at the disposal of the Government? A lease granted by the Government would, I maintain, be as good as any freehold, and would return a larger revenue, besides being accompanied with other great advantages. I shall certainly support the proposal to construct the line, but I cannot give my vote in favour of the draining and subsequent sale of the Koo- wee-rup Swamp by auction.

Dr. QUICK.—Mr. Speaker, the inclusion in the Railway Bill of the proposal to drain and sell the Koo- wee-rup Swamp appears to me to illustrate the patchwork and piecemeal policy of the Government. It was not included in the Bill until the Government found it necessary to accommodate one of their prominent supporters. I am strongly of opinion that mixing up in a Railway Bill a scheme to drain a swamp is altogether an unparliamentary and unusual proceeding, and that this House ought not to tolerate such an innovation. It has not been the practice hitherto to make the construction of railways dependent on the revenue from lands.

Mr. WALKER.—Yes, it has.

Dr. QUICK.—At any rate, not in any particular locality, and I challenge honorable members to give me an instance where it has been proposed to make the construction of a railway dependent upon the derivation of revenue from the territory through which it would pass. Had that been done, there are many large and important districts in the colony which would not be utterly destitute of railway communication at the present moment. As this practice has not been followed in the past, it is extremely suspicious to see it adopted in this particular instance. If the Government have not sufficient money for the construction of a line through this waste howling wilderness, they ought to have postponed the subject until a future occasion. They should not have asked the House to make a special provision for the drainage of this land, nor submitted such a wide and comprehensive scheme, which honorable members are not prepared to agree to. Had such a course been adopted, the Government would not now be in the position of having to fight against the construction
of railways to accommodate great centres of population. The city of Sandhurst, the heart of a wide-spread district, is certainly, in my opinion, deserving of more consideration at the hands of this House than the waste howling wilderness through which this proposed line is to run. I believe that many years will elapse before the land traversed by the line will become a scene of industry, and yet the Ministry, while proposing such a line, would not take steps to retain the line from Heathcote to Sandhurst, nor the extension from Kerang to Swan Hill, in the Bill. I have not the slightest hesitation in denouncing such a policy, and, when the time comes for me to go before my constituents, I shall state to them the extraordinary position which the Government have taken in regard to the matter, and that which the representatives of Sandhurst have had to assume. I shall vote for the leasing system in preference to that which the honorable member for Sandhurst (Dr. Quick) objects to, namely, the raising of revenue from land to construct railways, 1S already in another part of the Bill, or that which the representatives of Sandhurst have had to assume. I shall vote for the leasing system in preference to that which this proposed line is to run. I believe that the objection which honest members who oppose the sale by auction the Koo-wee-rup Swamp, on what principle they support the sale by auction of town lands? What principle do they apply to town lands which they cannot apply to country lands? The answer appears to be that town lands have a special value, and that country lands have not. I would remind them that the land of the Koo-wee-rup Swamp, when drained, will have a special value, and that it would be out of the question to lay it open to selection. It must, therefore, be sold in lots by auction. The whole force of the contention against sale by auction lies in the assertion that it would tend to the aggregation of large estates. I deny that altogether. There is no system of alienation that we know of, even including the present system of selection, which I suppose is about as perfect as it can be made, under which the aggregation of large estates is not only possible but probable. The very system of selection has resulted in the creation of vast estates, or, if that be not the case, why is there such a terrible outcry made against dummyism? I deny that the system of sale by auction has any greater tendency towards putting the land into the hands of large holders than that of selection. In order to illustrate my meaning, I may state that a large tract in the western district, known as the Rutledge estate, and supposed to comprise some of the richest land in the colony, was sold by auction, and I have it on the best authority that not one single acre of it got into the hands of large holders. Every portion of it was bought by farmers, and it is now occupied by that class. It has been assumed that because in the early days, when the country was in an unsettled state, the land was bought up in large quantities by a few capitalists, the same would be the case now if the principle of sale by auction to be continued. Things are altered now, and I think that land of exceptional agricultural value, such as that of the Koo-wee-rup Swamp, will be greedily bought up by the class which we desire to see upon it, namely, the farming class. I give way to no honorable member in my desire to see the lands of the colony settled by farmers, as against occupation by large pastoral tenants, because no doubt the prosperity of the country is largely dependent on the number of the occupants of the soil; and the system which will tend to increase the number will receive my hearty support. I believe the proposal to sell this land in small lots will conduce to the realization of that object better than any other. I think the State, after spending a large sum of money in increasing
the value of any land, ought to get the full advantage of that increased value. I believe that, under the special circumstances of the case, the proposal of the Government is the best that has been made, and it shall have my support. It ought to be remembered all through that this line was not originally in the Bill, and that it could not be inserted in it unless means for its construction were provided outside the provision already made for the other lines.

Mr. NIMMO.—Sir, I am not altogether pleased to find the question of the construction of a line from Sherwood to Alberton mixed up with a question of policy respecting which there are a variety of conflicting opinions. I am a supporter of the Railway Bill. I don't attach much importance to the diversity that exists between different modes of selling country land; but I am opposed to the sale of country lands under any circumstances. I consider that selling land for agricultural purposes is not right. I never did believe in it, but I am now more against it than ever I was. There is some reason in selling town allotments on which men can erect their homes and expend their wealth, but to sell the soil in order that it may be used for the purpose of supplying the market with a particular commodity is to my mind an unreasonable arrangement. So I am in this difficult position that I oppose the sale of the Koo-wee-rup Swamp, and yet support the Bill. I think also that the Government can hardly be in a position to estimate the value of the land to be reclaimed, or to compute its sectional area. Moreover, it has been suggested that the traffic of the reclaimed land might be well provided for by making the drains through it large enough to carry small boats. The point, however, which I wish to establish is that the construction of a railway through the swamp is something over which the Government would do well to hesitate, and that upon the whole it would be wise to leave the line altogether out of the Bill. Then, seeing that the land of the swamp will, with care, be worth in the end—at least that is what we are told on good authority—fully £10 per acre, is it not worth while arranging for a leasing system with respect to it which would enable the State to realize its full value without parting with the fee-simple of the property, and at the same time to give accommodation to a large number of small farmers? If it is put up to auction, will not the big proprietors come in to grab it, and the poor man be shut out altogether? Under all the circumstances, seeing how the question embodied in the clause is mixed up with other things, I shall vote for the amendment. At the same time I support the Railway Bill proper from end to end.

Mr. MIRAMS.—Mr. Speaker, the Premier told us the other evening, in reply to the honorable member for Geelong (Mr. Berry), that the Sherwood and Alberton Railway could not be constructed unless the proposal to sell Koo-wee-rup Swamp by auction was carried out in its entirety. As to the question whether, accepting the premis of the Premier as correct, it might not be better to sacrifice the line rather than adopt the Government method of providing the means of making it, I do not now propose to enter upon it, because my object is rather to show that the two things may be regarded as absolutely separate, being bound up with each other in no way whatever. In the first place, why is it necessary to set apart 70,000 acres of swamp country for one particular line when it is not considered necessary to do so with respect to any other particular line? I presume that the first answer the Premier would give to that question would be that the Railway Bill already provides for the construction of more railways than the Loan Act we carried last session will supply funds for. That is true, the excess in question being no less than £600,000. The question then arises, why is it necessary to obtain...
£200,000 for the line to Alberton by the sale of Koo-wee-rup Swamp when there seems to be no necessity for adopting a similar plan in connexion with the other lines with respect to which the provision in the Loan Act will run short? We know the way in which the Government propose to provide for the other railways in excess of their present means—that they aim at hypothecating the land revenue for three years to the extent of £200,000 per annum—but why, if the funds required for seven or eight additional railways can be so obtained, cannot one more line, namely, this line to Alberton, be added to the number? It would not be difficult to follow the Premier's argument if he told us that selling the swamp would be, in his judgment, the best way of providing for this extra railway, but when he contends that it is the only way, I am quite unable to appreciate his contention, or even to understand it. It is not in accordance with the facts of the case. The Premier knows well, for I pointed it out to him when the present railway was first proposed, that he has only to alter, in one clause of the Railway Bill, the word "three" into "four"—that is to say, to extend the operation of the system under which £200,000 per annum is to be taken from the land revenue for railway purposes from three years to four years—to obtain as much as the utmost he expects to obtain from the sale of the swamp. Let that be done, and all occasion for adopting the plan we are now discussing instantly disappears. That the Premier originally made the statement I alluded to in a kind of pet is a highly possible contingency, but for him to deliberately attempt to convince either himself or the House of its correctness would be simply absurd, and certainly very foreign to his usual mode of addressing himself to the House. I come next to another point. The principal reason the honorable gentleman has given for dealing with the Koo-wee-rup Swamp area in the exact way now proposed is that the land is of exceptional value; but perhaps he will remember that on a former occasion I asked him at what stage land becomes of exceptional value, and when its value ceases to be exceptional. If he says that, because the land of the Koo-wee-rup Swamp is of exceptional value, it ought not to be subject to the terms of ordinary free selection, I ask him if he will apply that rule all round—to all areas in the colony the land of which can be shown to be worth as much as this swamp land is worth? I think it is incumbent on the honorable gentleman to explain to us in what respect this land is of exceptional value. Is it because he estimates it will, when drained at a cost of 15s. per acre, fetch £3 10s. an acre—that is to say, a net price of about £2 15s. per acre? Is all the land in the colony worth that amount in the open market to be regarded as of exceptional value, and therefore to be eliminated from the free selection provisions of our land law? If that is the Premier's contention, we may well pause to ask ourselves where we are. Will he venture to say that there is no other land in the colony worth £2 15s. per acre without any preliminary expenditure upon it? Why, if we were to look back into the speeches of the Minister of Railways in support of the present Bill, we would find innumerable instances in which he asserted that the land particular new lines would open up would be worth not only £2 15s. per acre, but a very great deal more, directly a railway through it was constructed. I can name other cases of the kind. Honorable members will recollect that some time since they each received a circular, describing the nature of the land at Poowong in South Gippsland, which stated, as a reason why the district should have a railway, that the soil which such a railway would open to selection would carry five sheep to the acre all the year round. Surely land of that character must be worth twice as much as the reclaimed land of Koo-wee-rup Swamp will be worth. Will the Premier say that every acre of the Poowong district, and also every other acre of similar value in the colony, ought, because of its exceptional character, to be treated in an exceptional way? Since the case of the Koo-wee-rup Swamp has been brought before us in connexion with the intended line to Alberton, we have had suggested to us no less than four different methods of dealing with the territory to be reclaimed, and I will ask honorable members to look at each of them with some attention. First of all it has been contended that the land ought to be open to be selected exactly the same as any other Crown land. To my thinking that contention is, from a logical point of view, perfectly unanswerable. If we have, since the passing of the Land Act of 1869, been content to sacrifice some 14,000,000 acres of the national estate at the rate of 2s. per acre per annum for ten years, or 1s. per annum for twenty years, why should we hold our hands now? Are we to be told that none of the land so selected was worth as much as the land of the Koo-wee-rup Swamp? Have we not heard of land being selected on the usual terms, and subsequently let to

Mr. Mirams.
ordinary tenants for 5s. per acre per annum? Did not the Minister of Agriculture tell us recently of selected land, improved by nothing more than fencing, being sold at from £15 to £20 per acre? I grant that the value of that land increased after its selection, but that only shows the folly of continuing the system of free selection upon the present terms, and not adopting a system under which the increase in the value of land would go to the State.

Dr. MADDEN.—The land would not increase in value if it was not selected.

Mr. MIRAMS.—I don't think the honorable member for Sandridge sees the effect of his statement. What increases the value of land is the increase of population, and we know that the increase of population from natural causes in a country like this is something altogether beyond our control. I come next to the second proposed method of dealing with the swamp. ("Adjourn.") Since honorable members appear eager to get home, I beg to move the adjournment of the debate.

The motion was agreed to, and the debate was adjourned until the following day.

LEGISLATIVE COUNCIL.
Thursday, October 12, 1882.

The President took the chair at five o'clock p.m., and, in the absence of a quorum, declared the House adjourned until Tuesday, October 17.

LEGISLATIVE ASSEMBLY.
Thursday, October 12, 1882.

Assault by a Sea Captain—Examination of Engine Drivers—Volunteer Force—Blue Mountain Road—Stock Tax—Geelong Water Supply—Mining Surveys—Immigrants' Home—Mr. George Lancelot's Mining Claim—Mrs. Nor­gate—Railway Construction Bill: Koo-see-up Swamp: Bacchus Marsh Railway: Cresswick and Daviesford Line.

The Speaker took the chair at half-past four o'clock p.m.

ASSAULT ON THE HIGH SEAS.
Mr. LONGMORE.—Mr. Speaker, a few evenings ago I called the attention of the Attorney-General to a case in which a sailor named Daniel Defoe proceeded against Captain Samuel Andrews, of the British ship Aldborough, at the Sandridge police court, for unlawfully assaulting him while the vessel was on a voyage from Calcutta to Melbourne. The case was dismissed. I then mentioned some particulars of the case, and I will now add others contained in a newspaper report of the proceedings before the magistrates:

"On the 19th August he (Defoe) was on the port watch when the watch were ordered to set the foretopgallant sail. After this was done, witness coiled up the ropes on the forecastle and sat down and lighted his pipe, when the second mate came up and ordered him to coil some ropes aft. Witness said that he had already coiled the forward ropes and that the boys should do the others. The captain then came up and asked what the row was about, and upon witness replying that the boys ought to coil up the ropes, said—I'll teach you, my gentleman, and call the second and third mates, who then witness down, when the captain tried to hand­cuff him, but in the struggle the handcuffs went overboard. Another pair were brought and he was ironed and lashed to the mizen rigging, where he remained in the pouring rain for three quarters of an hour. While in this position wit­ness spoke to one of the men, upon which the captain brought a revolver and fired it at him, but narrowly missing his head. As he said he complained of this treatment, the defendant brought an iron belaying pin, and held it across his mouth. At four a.m. he was taken from the rigging and lashed down in the lazarette. The log book was produced, and the entry of the row read, but no mention was made in it of the shooting which the captain admitted. Johnson Byrne, a passenger on board the ship, deposed that on the morning of the 19th August he heard a revolver fired, and going down to the poop saw a man made fast in irons, while the captain and other officers stood near. The captain said to the man—'If you sing out any more, I'll gag you.' The complaint was using any bad language. The captain got a belaying pin, and sent for some spun yarn, and put the belaying pin in Defoe's mouth, shook it, and said—I'll make you shout out,' Defoe said—'Would you gag a man in irons?' when the captain rushed at him and caught him by the throat. A sailor cried out—'My God, don't let him kill the man,' and witness caught hold of the complainant, and told the defendant to control his temper. He made another attempt and witness got between the two. The only words witness heard Defoe say were—'O Christ, if I was loose.' Defoe always appeared to work properly. James Laurence, another passenger, gave similar evidence. The defence raised was that the complainant had made use of bad lan­guage, had been guilty of insubordination, and that the shot was merely fired to frighten him. The complainant had made use of bad lan­guage, had been guilty of insubordination, and that the shot was merely fired to frighten him.

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Some of these men have waited on me, and told me that they will be forced to go to sea again with this captain.

Mr. KERFERD.—The honorable members should not discuss the case if he intends to ask the Attorney-General to investigate it.

Mr. LONGMORE.—I am not going to discuss the case, I am only stating the reason why I again call attention to it. Some of the men, having seen that I spoke of the matter in the House, waited upon me, and said that they would again have to go to sea with the captain, and that they hoped to have some protection against him. I have also received a letter from Sandridge, stating that the magistrates who heard the case were gentlemen who are accustomed to supply captains of ships with—

An HONORABLE MEMBER.—Don't say that.

Several HONORABLE MEMBERS.—You have said enough.

The SPEAKER.—I would suggest that the honorable member, who has apparently made out a strong case for inquiry, should not offer any further remarks as to the motives of the magistrates, as it is evidently the desire of the House not to discuss that matter.

Mr. LONGMORE.—I am not blaming magistrates because they supply ships with goods if it is their business to do so. I will say no more than that I think it is the duty of the Government to inquire into the case, and see that justice is done.

Sir B. O'LOGHLEN.—Sir, I have made some inquiries into the case, and I regret very much that the honorary justices were not guided by the judgment of the police magistrate. To me it is perfectly unaccountable how they could come to the decision which they arrived at, but I do not think that it is within the province of the Government to interfere with the determination of a bench of magistrates. The Government can do nothing but accept their decision.

Mr. KERFERD.—That will not do at all.

Mr. LONGMORE.—It is very hard lines for the sailors.

Mr. WOODS.—It is worse than slavery.

Sir B. O'LOGHLEN.—I apprehend what used to be the law before Parliament altered it by an express Statute. Formerly the House was powerless to deal with a case in the event of a bench of magistrates dismissing it, but when the law was amended a special provision was inserted to meet such a contingency. The 21st section of the Judicature Act contains the following provision:

"Upon the application of any person supported by an affidavit disclosing an indictable offence, and either that the same has been committed by some body corporate, or that some
SIR B. O'LOGHLEN.—The section referred to by the honorable member gives power either to a private individual or to a Law officer of the Crown to take steps to prosecute a person for an indictable offence, even if the case has been dismissed by a bench of magistrates. The Attorney-General had the same power, or a greater power, before the Statute was passed, and he has that power now. He can indict a person for an indictable offence, even after the case has been dismissed by the magistrates; and that power has been exercised in this colony over and over again. But I am not aware from what I have heard that there is any indictable offence in the charge made against the captain in the case in question.

Mr. WOODS.—If it is not an indictable offence, what is?

Mr. KERFERD.—I agree with the honorable member for Stawell that if the offence disclosed in the proceedings at the Sandridge police court is not an indictable offence, it is impossible to say what is. The Attorney-General ought to accept the expressed wish of the House. I do not want to propose a motion to the effect that the honorable gentleman be instructed to prosecute the captain, but there are a number of precedents for doing so. I think that, after the opinions expressed by honorable members generally, the Attorney-General should say that he will take the necessary steps to vindicate justice.

Sir B. O'LOGHLEN.—I will make inquiries. I cannot do more.

Several HONORABLE MEMBERS.—Move a resolution.

Mr. KERFERD.—I understand the Attorney-General to say that he will make further inquiries?

Sir B. O'LOGHLEN.—Yes.

Mr. KERFERD.—Then I will let the matter rest for the present.

Mr. LONGMORE.—Will the Attorney-General inform the House of the result of his inquiries as soon as they are completed?

Sir B. O'LOGHLEN.—Yes; on Tuesday.

Mr. WOODS.—I desire to ask the Minister of Customs if he will take the necessary steps to prevent the ship or the captain leaving the colony until the inquiries are made and the Attorney-General is satisfied as to the proper course to follow?

Mr. GRAVES.—The course suggested by the honorable member has already been adopted. The Customs officers have been instructed not to clear the vessel until they receive further orders.

The subject then dropped.

ENGINE DRIVERS.

Major SMITH (who, to put himself in order, moved the adjournment of the House) said he desired to call the attention of the Minister of Mines to the necessity for introducing a short Bill to enable the Engine Drivers' Associations of Ballarat and Sandhurst to examine engine-drivers and issue certificates of competency. He remarked that a deputation from the associations waited upon the honorable gentleman that morning on the subject, but he (Major Smith) was unavoidably absent on the occasion. He, however, understood that the Minister expressed sympathy with the views of the deputation, but stated that he did not see his way to comply with their request. It was very desirable, in order to prevent the employment of incompetent engine-drivers, that a board, to be nominated by engine-drivers who had served a certain number of years, should be appointed in connexion with the schools of mines at Sandhurst and Ballarat, to submit all persons who desired employment as engine-drivers to a certain examination, and to issue certificates of competency to those who were duly qualified. If a measure was introduced for this purpose, it would not doubt be readily passed by the House.

Dr. QUICK seconded the motion for adjournment.

Mr. BURROWES said he was surprised at the honorable member for Ballarat West (Major Smith) bringing this matter before the House in the way he had done. The deputation referred to was introduced by four or five Members of Parliament, and, although he waited some time for the honorable member did not put in an appearance. He (Mr. Burrows) found that he had not the power to give authority for the holding of examinations and issue of certificates, as requested by the miners' associations, but he was very desirous of assisting them to carry out the object which they had in view. The matter was fully discussed with the deputation, and it was suggested that the associations and the committees of the
swords of mines should consult together, and, if possible, draw up a scheme to accomplish what was wanted. When that was done, he would be happy to consider any recommendations that were submitted to him.

Mr. R. CLARK observed that he did not see any necessity for the course adopted by the honorable member for Ballarat West (Major Smith). The Minister of Mines informed the deputation that he would be very pleased to do all he possibly could to carry out the wishes of the engine-drivers.

The motion for the adjournment of the House was put and negatived.

VOLUNTEER FORCE.

Major SMITH asked the Treasurer if he could fix a night for the discussion of the question of the re-organization of the volunteer force?

Sir B. O'LOGHLEN said he would name a night for the discussion of the re-organization of the volunteer force as soon as possible, but he could not do so at present. There was other important public business, such as the Land Bill and the Loans Conversion Bill, which must take precedence. The Government had afforded an opportunity for the discussion of the report of the select committee on the question of obtaining stone from Mount Difficulty for the west front of Parliament House, and already two nights had been occupied with that subject, though only five members had spoken on it. He understood that nine other members proposed to address the House at length on the question, and that eighteen more members also intended to speak upon it.

BLUE MOUNTAIN ROAD.

Mr. DUFFY asked the Minister of Railways if he had received a report of the state of the Blue Mountain road at Trentham, and what action he intended to take in the matter? When the construction of the railway to Daylesford was under consideration the people of Barry's Reef and Blackwood made an effort to get the line brought as near to Barry's Reef as possible, but the Government of the day did not find it convenient to comply with their request. They, however, promised to provide a sum of money to make a good, practicable, macadamized road from Barry's Reef to the Trentham railway station. About £6,000 was given for the purpose. The road had been made a little less than a year, and yet it was already in such a shocking state that the inhabitants of Trentham held an indignation meeting in reference to it about a month ago. He was asked to visit the locality, and he did so, and saw the thing called a road, or rather the place where the road ought to be. He looked in vain for any pieces of road metal. All he could see was a line of mud marked out amongst trees, with here and there channels of water almost deep enough to drown a wagon team. He believed that the £6,000 had been spent, and that no road had been made. Cobb's coach could not travel on what was called the road, and had actually ceased running. He desired to know whether the Minister had received any report as to the condition of the road, and whether, if he had obtained one showing that the road was in a disgraceful state, what steps the honorable gentleman intended to take in order that the people of Blackwood and Barry's Reef might be able to get to the railway station?

Mr. BENT, in reply, read the following memorandum from the Secretary for Railways:—

"A copy of the engineer's report has already been forwarded to Mr. Duffy. I recommend that this department take no action in the matter. This department paid over the amount voted by Parliament to the local body responsible for the roads within the shire, and they accepted the conditions with the money."

Mr. DUFFY remarked that a copy of the report alluded was only forwarded to him that morning.

STOCK TAX.

Mr. MIRAMS asked the Minister of Customs when he would invite the House to consider the report of the Tariff Commission with reference to the Stock Tax? He thought that the sooner it was dealt with the better.

Mr. GRAVES stated that the report had been forwarded to the Governor, but had not yet been considered by the Cabinet. As soon as it was received from His Excellency he (Mr. Graves) would lay it before the Cabinet.

GEELONG WATER SUPPLY.

Mr. BERRY asked the Minister of Water Supply if he had received the report of the surveyors as to the extension of the Geelong water supply works?

Mr. C. YOUNG replied that he had received the report that afternoon, and he had no objection to lay it on the table of the House.

Mr. BERRY asked if the Government would make provision on the Estimates for
carrying out the extension in question? There was a great deal of anxiety in Geelong on the subject.

Mr. C. YOUNG said he had not yet had time to consider the report. But he might say that the Government were inclined to regard the case it referred to as one of necessity.

MINING SURVEYS.

Mr. R. CLARK asked the Minister of Mines if he would have the plan of the underground surveys recently made at Sandhurst published for the information of the mining community?

Mr. BURROWES replied that the surveys referred to were those of the New Chum line of reef. The plan of the longitudinal section which was now in hand was about 30 feet long, and would be completed in about a month, when, if desired, it could be photo-lithographed and published. The plan and transverse sections could then be gone on with, and so arranged on the sheet as to admit of the several shafts coming in their proper position.

INDUSTRIAL SCHOOLS.

Mr. ZOX asked the Chief Secretary if he had any objection to lay upon the table of the House any correspondence he had had with the committee of the Immigrants’ Home, in reference to the transfer to that body of the Industrial School children and the buildings in the Royal-park?

Mr. GRANT said he had no objection, and, if the honorable member would move for the production of the papers, the motion would not be opposed by the Government.

MINING AT SANDHURST.

Mr. WILLIAMS asked the Minister of Mines if he would supply the House with information about the official inspection of No. 180 claim at Sandhurst—the claim known as Mr. George Lansell's? Had the local mining inspector properly inspected the mine during the last three months?

Mr. BURROWES replied that the mine had been properly inspected, and the mining inspector had furnished a report on the subject to the Secretary for Mines. There was considerable local feeling with respect to the inspection of this mine, and he (Mr. Burrows) intended to bring the matter before his colleagues. The inspector was not to be censured because he did not go beyond his strict line of duty. His business was to report upon the working of the mine, not upon its value in any way. It was, however, its value that was now attracting attention. The manager of the mine told him (Mr. Burrows) very recently that good gold had been touched in it at a depth of 1,700 feet—that a reef with gold visible had been struck at that depth—but that the object being to get down 2,000 feet, the new stone had been passed and not opened up, the shaft at that point being slabbed over the same as elsewhere.

Mr. WILLIAMS expressed the opinion that striking gold at the depth of 1,700 feet was a matter of such vital importance to the mining community that information with respect to it ought not to be kept from the public. He thought the Minister ought to insist upon inquiries into the subject being carried further. (Mr. Burrows—“I cannot undertake to interfere with a man’s private business.”) Mr. Lansell was simply a lessee of the Crown.

MRS. HARRIET NORGATE.

Mr. W. M. CLARK asked the Minister of Customs if he would place a sum on the Estimates of his department to compensate Mrs. Harriet Norgate for the loss of her husband, who was drowned in the execution of his duty? The husband met his death off the coast of Tasmania, after being 17 years in the employment of the Victorian Government, but his widow, who was 65 years of age, received no compensation. She had existed for some time past on the means furnished by the sale of her cottage, but that money was now exhausted.

Mr. GRAVES said Mr. Norgate was engaged in the Victoria on the Admiralty survey when he was unfortunately drowned, and Captain Stanley was asked to report as to whether the widow had any claim on the Imperial Government. His reply was, however, that no such claim existed. Inquiries had since been made whether there was any precedent for the Victorian Government giving compensation in a case of the kind, and it appeared that, in consequence of a man being lost from the Pharos, the House once voted £100. Probably he (Mr. Graves) would be able to state on the following Wednesday what the Treasurer would do in the present matter.

RAILWAY CONSTRUCTION BILL.

The consideration of the amendments made in committee in this Bill was resumed.

Discussion (adjourned from the previous sitting) was continued on Mr. Berry’s proposal to omit from the new clause providing
for the reclamation of the Koo-wee-rup Swamp, the sale of the land by auction, and the appropriation of the net proceeds to the construction of the Sherwood and Alberton Railway, the portion of it relating to the sale of the land by auction.

Mr. MIRAMS.—Mr. Speaker, when this debate was adjourned last evening, I had just endeavoured to reply to some of the statements of the Premier in defence of the Government proposal to sell the area of the Koo-wee-rup Swamp by auction, my contention being that there is no justification for the House being asked to dispose of the land in that manner on the ground that it is of exceptional value, because, if that is the case, there are many other areas in the colony already selected, or open for selection, which are equally, if not more so, of exceptional value. In support of that line of argument, I adverted to an area in South Gippsland, with the nature of which honorable members have been made acquainted by means of a circular distributed among them, but I had not the document by me, and therefore I could not be specific in my reference to it. On the present occasion, however, I have it in my hands, and I will quote a passage or two from it. The circular is one prepared by direction of the Drouin and Poowong Railway League, to enable honorable members to judge of the urgency of the claims of the Poowong district to immediate railway communication, and the second paragraph contains the following:

"The line to Poowong is indispensable to the settlement of the unselected land beyond, which includes upwards of 200,000 acres of hazel forest land, classed by the agricultural reporter of the Leader as equal in quality to that of Tower Hill, western district."

Now it is understood that the land of the Tower Hill district is among the most valuable of the colony, for, according to what the honorable member for Boronia stated last night, portions of it recently realized no less than from £30 to £40 per acre. Surely if the land of the Koo-wee-rup Swamp is of exceptional quality, because it is worth from £3 10s. to £5 per acre—I am quoting the estimate of the Government—these 200,000 acres of land at Poowong ought to be regarded as of even more exceptional value, and therefore even more entitled to be dealt with exceptionally. The Premier shakes his head, but did he not tell the honorable member for Geelong (Mr. Barry) that the reason why he asked to be enabled to dispose of the swamp land by auction instead of by selection was that it was land of exceptional value?

Sir B. O'LOGHLLEN.—I said the land constituted an exceptional case because it would be of exceptional value, owing to the expenditure upon it of the money of the public.

Mr. MIRAMS.—I ask the honorable gentleman to look at the matter fairly, in the light he has himself put it. He says this land is of exceptional value because of the expenditure of public money upon it, and on a former occasion he told us that that expenditure will amount to 15s. per acre. My own opinion is that the reclamation will cost more, but that is beside the argument. What I contend is that, unless the Government are prepared to deal with all land of exceptional value in precisely the same way as they propose to deal with the Koo-wee-rup Swamp, the expenditure of this 15s. per acre constitutes no justification for more than an additional charge of 15s. per acre to the selector.

The Government are simply entitled to charge the selector £1 15s. per acre in the shape of twenty annual payments of 1s. 9d. per acre, and that is all. Before I go further, let me read the following additional extract from the Poowong circular:

"As the capabilities of the soil afford perhaps the best criterion of any railway, the league submit the following as a further guarantee of the bona fides of that in question. 1st. The land at Poowong grazed three and a half sheep to the acre through the winter, and may be seen at the present time carrying up to six sheep to the acre. 2nd. The league have no reason to doubt that with proper preparation the whole of the hazel land in the district, whether selected or otherwise, is capable of similar results. 3rd. The hazel land of the Poowong district, unlike that of most others, possesses a subsoil retentive of moisture; and there are no indications that the pasture deteriorates with age. Having no means of access to market, produce has not as yet been grown for that purpose. It is considered, however, that to practical men the above results under pasture, so easily verified, will sufficiently indicate the agricultural resources."

It would appear then, if we are to accept the argument of the Premier on the present question as correct, the hazel forest land of Poowong is, to say the least, clearly entitled to be dealt with in the same way as the Koo-wee-rup Swamp. Again, let us look at how far the contention based on the exceptional value of particular land may be carried. I fancied last night that some honorable members seemed inclined to regard the 200,000 acres described in the circular, as well as the area of the Koo-wee-rup Swamp, as though they were both so exceptional in their character that no more land like either could be found in the colony. I will, however, for their benefit, call their attention to some of the sworn testimony taken by the Tariff Commission, in Gippsland, in
relation to the various modes in which the possession of land there has been obtained, the various tenures on which it is held, and the value of the land to the individual, as compared with that paid to the State. The first witness I shall refer to is Mr. George Davies, a well-known Gippsland gentleman, who is at the present moment a candidate for one of the new seats in the Upper House. He is also the owner of an estate of 1,280 acres. Among other evidence, he gave the following:—

"Is the land in this district valued at £10 an acre?—Yes, that is the average price of land used for fattening cattle.

"Is that land cleared?—Yes, naturally plain; perhaps only with belts of timber through it, just sufficient for shelter.

"Is there much of that in the district?—Yes, a large quantity of it.

"Has this land been selected?—Yes, the whole of it.

"Selected from the Government?—Yes, I think so. There may be isolated spots of small acreage in the Omeo district, but not in the vicinity of Sale.

"What is the value of that land to rent it—supposing you were going to hire it?—You would have to pay 10s.—from 9s. to 12s. per acre per annum.

"For grazing purposes?—For grazing purposes.

That is the case of land selected under the ordinary terms of the Land Act, which is now worth a rental of from 9s. to 12s. per acre per annum without the fee-simple being touched. As Mr. Davies' land may perhaps be regarded as exceptional, I will cite the evidence of another Gippsland land proprietor who holds 1,800 acres, 1,200 of which are freehold, while the remaining 600 are leasehold. Here is an answer to those who assert that it is impossible to get people to take up land on leasehold. The witness, having informed the commission with respect to the rented land, that 400 out of the 600 acres were worth £10 per acre, and that he paid £220 a year for them, while the other 200 acres were inferior, gave the following evidence:—

"Then there are 200 acres that are not worth so much?—No.

"What do you reckon that 200 at?—About 3s. an acre.

"Rent, and the value of the 200 acres would be about £3 per acre?—£3 is more than I value it at.

"Then you pay a less rent in proportion for the 400 acres of valuable land than you do for the 200 acres of poor land?—It is in the same lease.

"Have any improvements been made upon the 600 acres that you lease from the private owner? Has the private owner made any improvements upon it?—Yes, it was all forest timber, and now the most of it has been under cultivation, and cleared, and laid down with English grass.

"Is the homestead upon it?—Yes.

"How long have you held this 600 acres on lease?—Going on ten years.

"Will your lease be up soon?—It is from a friend of mine that I take it, and there is no date to the lease; I keep it as long as I want it.

"You do not anticipate any increase in the rent?—No.

"Have you to add any improvements to the land during your term of lease in addition to the rent?—Yes, I keep the fences, and put it in the order I want it for my own use.

"And to leave it as you got it?—With all the improvements upon it.

"Have you put up these fences that you speak of during the ten years?—I put a good portion of the fences up.

"Have you done any of the clearing you spoke of during the ten years?—Yes, I sublet it and got it cleared.

"You did all that in addition to paying the rent?—Yes.

"Did you put the homestead on it?—Part of it; I have enlarged the homestead.

"What do you reckon, taking the ten years you have had it, as your average expenditure upon improvements?—I suppose about £50 a year.

"Did the original proprietor from whom you leased purchase from the Crown?—Yes.

"By auction?—No, it was selection.

Here is a man paying £300 a year, including the cost of improvements, for the use of an area of 600 acres which was originally selected on the usual terms of the Land Act, namely, either 1s. per annum for 20 years, or 2s. per annum for 10 years—both much about the same thing. I could give half-a-dozen other instances of the same kind, all in Gippsland. I contend that if we are to regard the land of the Koo-wee-rup Swamp as constituting an exceptional case, we are bound, to be consistent, to regard not only nearly all the land in the country which is already selected, but a great deal of that which remains to be selected, as equally exceptional in its character. I will next point out a few facts in connexion with the four proposals that have been submitted to us for dealing with this Koo-wee-rup Swamp, promising that I do not desire to go at all on the present occasion into the general question of the land policy of the country. The first of these proposals is that the land should be selected on precisely the same terms as any other land open to selection. Well, I contend that if we are to continue our present system of free selection before survey, no argument that will hold can be adduced to show that this swamp land should not be dealt with in the same way. To propose to deal with it exceptionally, on account of its supposed exceptional value, is, in fact, a direct condemnation of the leading principle of the Land Act of 1869. Let us look at what would be the financial result of allowing these 70,000 acres to be selected in the ordinary fashion. If we add to the payments for the land the 15s. per acre which the Government
propose to spend in drainage, and thus bring the price up to £1 15s. per acre, the total amount to be received by the Government would be £120,000—£70,000 to be paid in yearly instalments, and the remaining £50,000 as payment for rendering the land fit to be occupied. We come next to the second proposal, namely, that the Government should, after spending money upon the land to drain it, fix a price for it—£3, £4, or £5 per acre—and throw it open for selection at that figure. Let us assume the price fixed upon to be that estimated by the Premier, namely, £6 an acre. At that rate the amount to be received by the State for the land would be £17,500 per annum for 20 years, or a total of £350,000.

Mr. GRAVES—Do you propose those terms?

Mr. MIRAMS—I do not say so, but I think that, if the swamp is to be selected, selection on such terms would be more advantageous to the State than selection according to the existing system. But honorable members must see that immediately we propose to go out of the usual line of selection in order to deal with a particular area, we create a difference which we ought, in order to be logical, to carry into a great number of other cases. Where would be the justice of compelling the selectors of the Koo-wee-rup Swamp to pay 5s. per acre per annum for 20 years, and at the same time calling upon the selectors of another equally valuable area—say the Poowong land—to pay only 1s. per acre per annum for 20 years?

Sir B. O'LOGHLEN.—But in the case of the Koo-wee-rup Swamp the Government will have spent money to render it fit for occupation.

Mr. MIRAMS.—But when the swamp land is drained it will still cost as much to clear as the Poowong land. Do not correspondents of the Argus fix that cost at least £3 10s. per acre? The third proposal is to sell the land by auction, and I am free to admit that if the fee-simple of the land is to be parted with by the Crown, sale by auction would be the fairest, most legitimate, and most logical way of going to work.

Sir B. O'LOGHLEN.—Vote for it then.

Mr. MIRAMS.—I am not contending that the Crown should part with the fee-simple of the land. Besides, I want to know what difference it will make to the community however the land is disposed of, if the best possible price for it is obtained? Has it not been contended over and over again that it would be a good thing if the State parted with its land for nothing so long as it got it settled upon?

Mr. KERFERD.—The land cannot be taken away.

Mr. MIRAMS—I don't see much in that view of the case.

Mr. KERFERD.—It will always be open to taxation.

Mr. MIRAMS.—Yet the honorable member told us last night that if we had a large number of Crown tenants they would become so powerful a body that they would force Parliament to grant them their freeholds.

Mr. KERFERD.—And that is a view which cannot be controverted.

Sir B. O'LOGHLEN.—The forcing has been done already.

Mr. MIRAMS.—I am not to be dragged by either the Premier or the honorable member for the Ovens (Mr. Kerferd) into a premature discussion of the land question. The point is that the latter honorable member confutes his own reasoning, because if a body of Crown tenants would be strong enough to force the Legislature to rid them of their obligations to the State—to surrender an equitable bargain made in the face of the community—they would be naturally strong enough to save themselves from special taxation. The honorable member's contention is altogether absurd. The fact is that the opponents of the leasing system push their arguments a great deal too far. If they are in favour of freeholds, and believe that a leasing system will only be a stepping-stone towards freeholds—that the leased land will be turned into freehold land—why do they not support leasing on their own ground?

Mr. WALSH.—The way the Yarriabunda leases have been treated is a precedent.

Mr. MIRAMS.—Whether it is or not, I will not go into that part of the question. I simply answered an interjection of the honorable member for the Ovens about land being always open to taxation. I will read to honorable members a statement made by a man who has lived for many years in the immediate neighbourhood of the swamp, and from which some estimate of its value may be gathered:

"The soil is rich and black, having a depth of from 4 feet to 10 feet. When cleared and kept dry, white clover and rye-grass flourish and spread surprisingly. The land when cultivated throws up enormous crops of oats, maize, mangels, potatoes, &c., and maintains for years a character of great richness in spite of continued successive cropping."

With 70,000 acres of soil like that within easy reach of the Melbourne market, it is not...
to be supposed that it would remain long unsettled if it were once drained, whether it were sold by auction or not, so that those gentlemen who oppose the selling of the land by auction simply on the ground that they want settlement instead of revenue are not supported by the probabilities of the case. In order to prove their position they must be prepared to show that by obtaining the best price for the land we should be stopping settlement. If the land, in fact, is to be sold at all, I fail to see any reason why we should not get the best possible price for it. I now come to the fourth proposal which has been put before the House, and that is that the land should be leased, but before I take up this question I wish to draw honorable members’ attention to what would be the financial result to the community of sale by auction. If the land was laid open to selection, I have shown that under one method the receipts for it would be £70,000, and that under another it would be £350,000, and that these sums are fixed—that, no matter how long the selectors remained in occupation, the State would not receive any greater amount. If the land was sold by auction and only £5 an acre was paid for it, the State would receive £350,000 down as the purchase money of the whole swamp, and upon this sum the Government would receive 5 per cent. for ever afterwards. If the land was divided into selections, and the yearly payment principle, it would become freehold in 20 years. If the purchase money was put out at 5 per cent. interest for that period, the State would receive in all £700,000. If the process was continued for another 20 years, the total receipts from the land would be £1,050,000, and this would be the financial result in 40 years of selling the land by auction. It is proposed to sell the land by auction in 200-acre blocks in the interest of small farmers, the upset price being £5 an acre, and to knock it down to the highest bidder, but I would here ask the House whether it is not evident that, even supposing no advance to be made upon the upset price, a man must be possessed of considerable means before he could become a purchaser of one of those 200-acre blocks? He must have £1,000 purchase money, and he must have at least another £1,000 to clear, stock, and cultivate his land when he got it. On the other hand, if the land is leased out every man who has £1,000 could take up one of these blocks, as he would not have to pay that amount in the first instance before doing anything with the land. He would have to pay his rent as he went along, and his small capital would enable him to stock and cultivate his farm. It may be said that when a man has spent £1,000 upon the purchase of the land he can immediately raise sufficient money to cultivate it with in the form of a mortgage, but in order to do that he would have to pay a larger amount in interest than the rent would amount to. The rent would not be more than 5 per cent. on his capital, whereas the interest he would have to pay on a loan would be at least 8 per cent. The principal objection to the proposal to lease the land is that immediately the leases were issued the leaseholders would combine to obtain the freehold. I have already replied to that argument; but I ask honorable members what objection there can possibly be to giving the leasing system a trial in connexion with the alienation of this land? Supposing, for the sake of argument, that the contention of the honorable member for the Ovens (Mr. Kerferd) is correct, namely, that the leaseholders would become freeholders in the course of a few years, should we be any worse off than if we sold them the land and constituted them freeholders at once? I think not, and we should in the meantime have tried an experiment and have attempted to bring into operation a system which, in the minds of many people, is far preferable to the system of sale by auction. Surely those who advocate the granting of freeholds at once can have no objection to adopt a process by which, according to their own reasoning, the leaseholders are bound to become freeholders in time. But I am afraid they have an objection. I believe that the leaseholders would be so satisfied with their position, and the community would be so satisfied with the income derived from the rents, that a proposal to convert the leases into freeholds would not be entertained for one moment. The Premier has assured the House that we shall be unable to get leaseholders, but he has probably not seen the letter of Mr. John G. Dougharty which appeared in the Argus a short time ago in reference to this very swamp. It is a reply to the statement that we cannot get leaseholders for this land when reclaimed. Mr. Dougharty states that some years ago he made a proposal to the Lands department on behalf of himself and a number of wealthy colonists, settled in England, to lease the swamp. Here are gentlemen who actually made an offer to hold the land on lease before it was improved, and yet the Premier tells us we cannot get leaseholders after we have improved it and
made it ready for cultivation! These capitalists were ready to lease the land and spend £200,000 of their own money upon the work of reclaiming it. In the same letter we are informed that, after this amount of money was spent on the land, it was intended to cut up the swamp into small farms and let the blocks out on lease to other people, so that these capitalists were content to spend £200,000 on the chance of getting leaseholders on a smaller scale afterwards.

Mr. ORKNEY.—Private leases always pay better than Government ones.

Mr. MIRAMS.—Where is the justification for the Premier asking the House to depart from its usual custom, and take up a new system of dealing with this large area of land, on the ground that he could not get leaseholders if he desired them? If this syndicate of capitalists were prepared to risk £200,000 on the prospect of getting tenants, surely tenants could be more easily obtained after the swamp was drained. Does the Premier expect the country to believe to the contrary? If he does, he will not, in my opinion, succeed. As to the remark of the honorable member for West Melbourne (Mr. Orkney), I may say that whenever a good substantial argument in favour of the leasing principle is advanced, such as that urged by the honorable member for Emerald Hill (Mr. Macgregor) when referring to the leasing of the orphanage estate, honorable members are unable to dispute the facts because they are too well known, and they always shelter themselves and get out of the corner in which they are driven by the assertion that it is impossible for the State to make as good a bargain as a private individual or as a number of private individuals. But, in the first place, we have never tried the experiment. The State has never yet set apart a large area of land and devoted it to an experiment as to the merits of the leasing system. I hope, however, that the State will make a trial in connexion with the West Melbourne Swamp for instance, which in a number of years will become immensely valuable. It would be interesting to know when a corporation or public body becomes so large as to be incapable of making a profitable and binding bargain such as the orphanage estate committee made with their leaseholders, and what area of land it is necessary for such a corporation to have to let out on lease in order to make good bargains. In reference to the principle of leasing, New Zealand has gone ahead of Victoria, although we greatly pride ourselves on being in advance of the other colonies in regard to legislation. The leasing system is in operation in New Zealand.

Sir B. O'LOGHLEN.—They have both systems in operation there.

Mr. MIRAMS.—And so should we have both systems in operation in this colony if we were wise, so that the two different kinds of land, the better and the inferior, might be alienated under two separate methods. We have 82,000,000 acres of land left, and some of it might be disposed of under one system and some under the other.

Sir B. O'LOGHLEN.—That would not be the same as the New Zealand system.

Mr. MIRAMS.—The honorable gentleman knows that the system in operation in New Zealand is not the one which was asked by the people's representatives. It was introduced by the members of the Upper House, and, rather than throw the whole question aside, the Lower House consented to accept the proposal made by the Upper, so that the two systems now go side by side. In reference to this subject I quote the following from the North Otago Times:

"It is the Crown lands leasing principle which has attracted most attention throughout the country and in the House. We are glad to see the principle accepted by the members of the Upper House and the country are substantially at one as to its propriety and potentiality for good. Those who have opposed it have done so for the most part ostensively on the sentimental assumption that intelligent colonists would not become Crown tenants of agricultural land, or would not contentedly remain so, or, if they became Crown tenants of such land, it would be only to drain it of all its substance and then leave it in the hands of the Government. Persons of feeble understanding may honestly enough take their stand upon this assumption, and persons desirous of playing a double game may do so because of the plausibility which it may present to the eyes of the unreflecting. Those who do so honestly are persons who attach fictitious value to what is called the freehold ownership of land, and who weakly assume that in the absence of that ownership the occupier of Crown lands will not cultivate his holding contentedly and intelligently. But this, of course, is sorry reasoning, and is so contrary to innumerable well-known facts that it would be a miserable waste of time to contest it. As for those who oppose the Bill on these sentimental assumptions, on other grounds than those of sheer feebleness of mind, they probably do so because the Bill is altogether antagonistic to the operations of an exceedingly influential and pretentious personage—namely, the money-lender."

Certain large areas of land in New Zealand are set apart and vested in the Education department for educational purposes, and I ask what would be the use of doing this with the object of providing that department with a permanent income unless it retained the ownership of those lands, and obtained rent, year by year, with which to carry on the educational system of the
country? If one department of the State can make such a good bargain with its tenants that the latter do not wish or attempt to get their leases converted into freeholds, is it not absurd to endeavour to make this House and the country believe that it is impossible for the Government as a whole to do the same thing? Those who take up that ground, and say it is impossible for the Government to secure and retain a number of tenants on Crown lands, will have to get over these illustrations on the opposite side, showing that corporations, private institutions, churches, and Ministerial departments can make good bargains with tenants. If we were going to have the same administration of the Lands department which we have had in the past, there might be some ground for the objections which have been urged to the leasing system, but those who advocate the system do not propose to continue that kind of administration. If the opponents of the system are unaware of that fact, they are venturing to discuss an important question with which they have not made themselves fully acquainted; if they are aware of it, then they must be misleading the community for purposes of their own. I now wish to call attention to the financial results of the leasing system as compared with those of the sale by auction system, and in this case also I shall take, for the purpose of illustration, £5 per acre as the initial value of the land. It is not so high a value as some honorable members have estimated, nor so low as others have set upon it, but for the purpose of my argument it is necessary that I should take the same estimate in each of the four systems of alienation. The value of the 70,000 acres comprised in the swamp, at £5 an acre, would be £350,000. If the land was let for 20 years on a 5 per cent. valuation, we should obtain for rents during that time the sum of £350,000.

Mr. HARRS.—How is the railway going to be constructed?

Mr. MIRAMS.—That is no part of my scheme. If money is wanted for the construction of the railway, it can be obtained by the appropriation for a fourth year of £200,000 from the land revenue. The Premier has told us that the land of the swamp would in a few years increase in value to £20 per acre. I will therefore assume that at the end of 20 years the land has attained that value, and that £10 of it is due to the work and enterprise of the tenant himself. Upon that £10 of improved value the State has no claim whatever, and cannot be permitted to increase the rent in respect of that amount. As the land would then be worth £20 per acre, and as it is only now worth £5, there would be an increased value of £5 per acre at the end of 20 years. In other words, the value would be doubled. Thus we should possess an estate worth £700,000 instead of £350,000, and we should have received a rental of £350,000, making a total of £1,050,000 as the result of 20 years of the leasing system. In the second 20 years there would still be the 5 per cent. valuation, but it would be a valuation upon land worth £10 an acre instead of £5, so that instead of getting 5s. an acre in rent we should get 10s., and the result at the end of the second 20 years would be twice as great as that at the end of the first, or £2,100,000. If the land increased in value during the second period at the same rate as during the first, the estate would be worth £1,050,000 at the end of 40 years, and the same amount of rent would have been received from it. Unless honorable members can refute these figures, and prove my facts to be wrong, there is not a man of intelligence in the country who will hesitate for one moment in saying that the leasing principle is better than either the system of sale by auction or of selection.

Mr. WILLIAMS.—Sir, the proposition of the Government for the sale of the Koo-wee-rup Swamp appears to me to be a most extraordinary one. The reclamation of this swamp was not heard of until a political necessity arose for the construction of a certain line of railway in the South Gippsland district. The honorable member for Mornington, when he first proposed the construction of the Great Southern Railway, had not, he thought, the slightest chance of succeeding in his proposition unless he secured the rejection of the "cockspar" lines proposed to be made in South Gippsland, and consequently he canvassed honorable members for the purpose of defeating those lines, and securing the substitution of a railway from Cranbourne to Alberton. For my part, I have yet to learn that the drainage of the Koo-wee-rup Swamp, or even the construction of the Great Southern Railway, is a national necessity at the present time. There is scarcely any population on the route of the proposed line, and I am given to understand that it will traverse a considerable area of inferior land. There are other portions of the colony infinitely more in need of railway communication than the district which this line will run through. I am informed by persons who are acquainted with the district that there is really no
demand either for the drainage of the swamp or for the construction of the railway, except by a few people in the Mornington constituency, and by those at the other end of the line, namely, at Alberton. In the intermediate area there is scarcely any population at all.

Mr. GIBB.—It is all settled except for ten miles.

Mr. WILLIAMS.—According to the map exhibited on the wall of the chamber, which is admitted to give a faithful description of the lands alienated in the colony, there is scarcely any land selected or occupied in any way along the route of the line. From Cranbourne to Alberton there is only one bit of land represented on the map as alienated. Again, I think it is extremely problematical whether this swamp after it is drained will be at all so valuable as the Government expect. We know that in some other portions of the colony swamps which have been drained have actually proved worthless on account of the sourness of the soil. But if the Koo-wee-rup Swamp should, after it is drained, turn out to be so valuable as the Government estimate, then I think it would be a burning shame to deal with the land in the manner proposed by the Government; and I would not be doing my duty to my constituents if I did not protest against the proposition. If the Government are going to sell this land by auction, in order to defray the expense of constructing the Great Southern Railway, the Government can undertake to construct many other lines of railway in other parts of the colony by dealing with land in those districts in a similar manner. On the Murray, for instance, they will find land as fertile, according to the analysis of the Government analytical chemist, as the land which was referred to to-night by the honorable member for Collingwood (Mr. Mirams).

Mr. GIBB.—There is not the climate there.

Mr. WILLIAMS.—People are living there and holding farms at the present moment.

Mr. C. YOUNG.—They are starving there.

Mr. WILLIAMS.—I venture to say that, if the Koo-wee-rup Swamp is taken up, the people who go upon it immediately will be starving three years afterwards. I think I am correct in saying that it takes at least four years after any swamp is drained before it can be used for either agricultural or pastoral purposes, because before that period the soil is too sour to grow vegetation of any value. The West Melbourne Swamp, for instance, has been drained for two years, and of what value is it?

Mr. C. YOUNG.—It was covered with salt water.

Mr. WILLIAMS.—I believe the water that was over the West Melbourne Swamp was chiefly fresh water caused by the floods. But there is also the Carrum Swamp, the draining of which did not prove a great success; on the contrary, it involved the ruin of hundreds who thought they were going to make an Elysium out of the swamp, such as we are led to expect will be the result of the reclamation of the Koo-wee-rup Swamp. However, I repeat that if the Government are going to initiate this new system of constructing railways, by selling land for the purpose of providing money for their construction, they might as well construct lines on the same principle in other parts of the colony. Once we initiate the principle of selling land by auction, where will it end? The plain matter of fact is that the system will proceed from one degree to another until the whole of the public lands are disposed of in that particular fashion. I would also press upon the Government that there are other portions of the colony in more urgent need of railway communication than this portion of South Gippsland. It is admitted on all hands that, even if the Great Southern Railway were to be constructed forthwith, there would be scarcely any people along the route to provide traffic for years to come, and, as I have already pointed out, the swamp cannot be used for practical purposes for at least four years. On the other hand, in the Wimmera district, for instance, there are districts without railway communication which are thickly settled, and, if the Government are going to introduce the system of selling land by auction for the purpose of railway construction, would it not be more consistent for them to sell certain lands in the Wimmera district, in order to construct railways to the selectors, whose actual existence on the land depends upon their being afforded an easy transit to market for their grain and other produce? Yet, although there are thousands of these people outside the pale of railway communication, the Government propose, in addition to the four or five lines already included in the Bill for South Gippsland, to make another line of 80 miles, simply because honorable members supporting the Government have proposed this new line, and say it is a "great national line." It will be a national line, I admit, so far that the people of the country
will have to pay for it, and will derive no benefit from it. The Government ought really to reconsider the question of constructing this line at all. I think I have very grave reasons to complain of the way in which my own district has been treated. Several propositions have been made for railway construction in connexion with that district, all of which have been flouted; yet I venture to say that there is not one of the propositions that has been made by the members for Sandhurst or Mandurang which would not pay both directly and prospectively a hundred times better than the Great Southern Railway. The farmers of South Gippsland have been already well provided for. They have at present a long line from Melbourne to Sale, and in addition to that there have been included in the Bill four or five “cockspur” lines which will tap the only portions of the country that are at present occupied. There are large tracts in the Wimmera district where not a new line is proposed, although the farmers have had to contend with the most trying circumstances, yet Gippsland, which has such an exceptionally good climate that during the last drought in other portions of the colony it could send fat cattle into the market, is to be specially favoured. In fact the Government appear to be going on the principle that “unto him who hath shall be given, and from him who hath not shall be taken away even that which he hath.” That seems to be the principle upon which the whole of this Railway Bill has been founded.

Sir B. O’LOGHLEN.—What about Sandhurst?

Mr. WILLIAMS.—Sandhurst has got nothing. Two of the most important electorates of the colony have been altogether left out of this Railway Bill, liberal and accommodating as it is to other localities. The liberality of the Government to some districts is perfectly wonderful. The Kilmore district, for instance, which has been slighted in the past, is absolutely surfeited with railways in this Bill. There is to be a railway from Lancefield to Kilmore, from Wandoong to Kilmore, and from Heathcote to Kilmore. South Gippsland has also been exceptionally favoured by the present Ministry already, apart from the present proposition. I will only say in conclusion that, in my opinion, the proposal of the Government with regard to the Koo-ewe-rup Swamp must prove disastrous whatever may be the result of the reclamation. If the land turns out to be good, it will be a national calamity to sell it by auction; if, on the other hand, it proves to be worthless, ruin will be brought on hundreds of people who will be induced to buy it. For the reasons I have given, I intend to vote for the amendment of the honorable member for Geelong (Mr. Berry).

Mr. HARRIS.—Mr. Speaker, the honorable member for Mandurang (Mr. Williams) seems desirous of pursuing a dog-in-the-manger policy. Because the people of Sandhurst and Mandurang have not got the railway they want, the people of South Gippsland are not to have theirs.

Mr. WILLIAMS.—South Gippsland has four or five lines in the Bill already.

Mr. HARRIS.—This portion of the district has not yet had any. The honorable member also said that the profit likely to be derived from the proposal of the Government with regard to the Koo-ewe-rup Swamp is very problematical, but I, on the contrary, regard it as almost an assured fact, and I know the country very well. Moreover, I was told the other day, by the gentleman who surveyed the swamp many years ago, that, out of the 70,000 acres which it contains, 50,000 acres consist of first-class soil, the remaining 20,000 acres being of a medium character. He also considers that the land, when it is drained and cleared of ti-tree and reeds, will be worth at least £10 an acre, so that the Premier, in estimating the value at £4 or £5 an acre, has kept well within the mark. It is true that for some years after it is drained the land will not grow certain kinds of crops, but it can be sown with grasses immediately after it is reclaimed. It must be remembered that this swamp is not of a saline character—the land is perfectly sweet—and, in my opinion, the proposal of the Government, as a business speculation, is one of the best things they could recommend to the House.

Mr. TUCKER.—I think it is extremely inopportune to introduce the leasing question into this discussion. The question at issue simply is whether the land in the Koo-ewe-rup Swamp shall be sold by auction or not, and the sooner the House comes to a division on the matter the better. For my part, I shall oppose the selling of the land by auction or the selling of it at all. I do not see why the slightest distinction should be made between the Great Southern Railway and any of the other railways which we have been considering in the Railway Bill. We have raised £4,000,000 in one way, £600,000 additional in another, and I object to the raising of still another sum by the sale of a particular piece of land. I cannot understand why
the Government could not accept the proposition to take £200,000 a year from the land fund for railway construction for four years instead of three. If they had agreed to that course, they would have ample funds to construct this railway, the desirability of which is admitted by nearly every member of the House. I do not see why the Government wish to endow the Board of Land and Works with a new function—that of holding land for the purpose of selling it by-and-by. I object to such a proposal, and I think this long discussion might have been saved if the Government had accepted the suggestion made to them the other night. I am in favour of the leasing system, but I think it is inopportune to drag the leasing question into the present discussion.

Mr. FISHER.—I join with the honorable member for Fitzroy (Mr. Tucker) in deprecating the introduction of so much extraneous matter into this debate. The question is simply—“auction or not.” As to endowing any particular railway with a piece of land, I confess I see no objection to that. In fact I think the Koo-wee-rup Swamp might be used with as much propriety to endow a line from Kerang to Swan Hill as a line through South Gippsland. I do not see any particular reason why the land must be devoted to the construction of a line in the same district, so long as the railway made from the national land is a national railway. I think, however, the Government would have acted much more wisely if they had left the question of the mode of dealing with this land in abeyance, instead of tying down themselves or their successors to dispose of it in a particular way, namely, by selling it by auction. I think it was not a fair or statesmanlike course to impose such a condition. I shall vote against selling this land by auction, but, in doing so, I wish it to be understood that I do not bind myself to any particular method of dealing with the land when it is reclaimed. I leave that to the wisdom of those who will have to deal with the land in its improved condition. I do not express an opinion as to whether it will then be found best to dispose of the land by auction, by leasing, or by selection; that will be a matter for future consideration. The simple reason I vote for the amendment is that I object to the Government tying the House down to deal with the land in a particular way at a future time, when there is no necessity for such a thing.

Mr. McCOLL.—Sir, I think much more is involved in the question of selling this land than the mere matter of raising sufficient money to construct the Great Southern Railway. If it is a mere question of raising money, why cannot the Government separate this proposition for the sale of the Koo-wee-rup Swamp from the Railway Bill, and have the Bill passed through this House without any further delay? I desire to say a word as to how this swamp may be drained. I have here a book, which shows how, in the valley of the Mississippi, there are levees or banks on each side of the river for 700 miles. The river is above the level of the surface of the land, but the land is drained by the channel that is cut on the outside of the bank on each side, whilst at the same time it is also irrigated. The immense wealth of the Mississippi valley is known throughout the world. It would be the simplest thing in the world to apply the same system to the Koo-wee-rup Swamp. The Bunyip river runs into it and through it, and by embankments, or levees, a double channel could be made. The embankments might be continued, not only through the swamp, but down the Yallock to the coast. The cost of the work would be nothing compared with the immense gain. I am happy to say that the Waranga and Echuca Waterworks Trust, which has just been gazetted by the Minister of Water Supply, provide in their scheme for irrigation as well as merely supplying water for domestic purposes and for stock. I think the value of irrigation has been sufficiently shown by the recent experiments in the Gumbower district to teach even Mr. Gordon a lesson. The wheat and the oats are springing into ear, and the land altogether presents a splendid appearance as the result of irrigation. I think I may also take the opportunity of calling attention to the fact that the Loddon Trust are at sixes and sevens. Honorable members may be under the impression from the reports in the newspapers that there is now plenty of water in the Loddon district. It is true that up to a fortnight or three weeks ago the crops were looking well, but since then hot winds in the day and frosts at night—the rarest conjunction of things seen on the plains for years—have effected a change.

Mr. MUNRO.—I rise to a point of order. I submit that the honorable member for Mandurang (Mr. McColl) is traveling altogether away from the question at present under the consideration of the House.

The SPEAKER.—I think the honorable member for Mandurang (Mr. McColl) is
wandering from the subject under consideration. Moreover, he is referring to a matter concerning which he has placed a notice of motion on the paper.

Mr. McCOLL.—Then I shall confine myself to discussing the question of leasing as against selling the land in the Koo-wee-rup Swamp. A grand illustration of the result of the ownership of land coming into a few hands is afforded by the case of Great Britain. In England and Scotland the estates exceeding 3,000 acres, and returning an annual rental of £3,000 each, amount to 21,500,000 acres, their annual value being no less than £55,000,000. The lesser estates, including residential estates, suburban allotments, &c., amount to 32,000,000 acres, representing a value of £66,000,000, and thus the annual value of all classes of estates reaches £100,000,000. According to Doomeyday Book, the last computation of the annual value of property assessed for the property tax in Great Britain, excluding London, was £181,473,680. In 1814, the gross value of the property assessed for the purposes of the property tax was £58,000,000, and in 1873 it had increased to £172,000,000, but the landlords had become fewer in number. The value of the property and income assessed for purposes of taxation amounted to £256,500,000 in 1848, and to £342,500,000 in 1878, but it is believed that the latter amount was greatly under the actual value. My object in alluding to this matter is to show that whilst a few persons have become richer, and whilst political economists and statesmen are glorying in the wealth of England, the number of paupers in England is increasing. In 1879, there were 3,000,000 persons in the receipt of relief as paupers, and it is generally admitted that about half as many in addition were living on the verge of starvation, though not actually in the receipt of relief as paupers; so that in 1879 the total number of paupers in England was really 4,500,000. Whilst the wealth of England is increasing, it is becoming concentrated in fewer hands, and one-sixth of the population are known to be paupers. From such a dreadful evil I want to save this country. I am afraid that it will be something like carrying coal to Newcastle to speak to the Premier about Ireland; nevertheless, I will read the following remarks in reference to the state of things in that country:

"The modern Irish cottier really lives in a state of hopeless and helpless degradation, comparable to that of the least fortunate serfs of the middle ages, who were not only subject to the payment of hard dues to their lord, but upon any appearance of wealth, or even comfort, were subject to exaction by the lord's followers or plunder by armed marauders. They were obliged to be poor and miserable to escape robbery. Ireland is a nation of small cultivators. There are 400,000 acres, and 36,000 under cultivation in 30 acres, while there are 156,000 mud cabins, of only one room, occupied by 228,000 families! Probably nowhere in the whole world is there a people living in such a state of degradation and barbarism under a civilized, or even semi-civilized, government; and this is the direct result of pure landlordism, making its own laws, and carrying them out in its own way. It is a universal law that security to enjoy the product of a man's labour is the only incentive to industry, and that incentive has been systematically denied to the Irish peasant. The injustice, the cruelty, the shortsightedness of this system has been urged again and again on our legislators, but wholly without effect, till the terrible calamity of the potato disease in 1846 and 1847, and the horrible events that ensued, forced them into action."

Having given a few facts about Ireland, I will now quote something about Scotland:

"At this date, 1879, the depopulation of the Highlands is still rapidly going on. Not half a mile from the spot where we write, in the north-west Highlands, many families were ejected from their holdings but a few months ago. The factor—that dreary, ingrateful man of the people with the underlings of the law, with spade and pickaxe, and left literally not one stone upon another of their poor cottages standing. I can see a miserable hovel into which several families have crowded who had before separate holdings of their own. Such scenes ought not to be allowed to disgrace a Christian country. But even where the inhabitants are allowed to remain in their miserable and insufficient crofts, the able-bodied—that is, the choicest of the population—are rapidly emigrating. "There is not a lad worth anything," said a person the other day who had just left a very large strath at some twenty miles distance, "there is not a lad worth anything who is not going away to New Zealand or some other place." The people are indeed oppressed with a sense of utter poverty, and a total inability to rise above it. In many places their circumstances are made still more difficult and wretched by legislation which makes it impossible to make a living."

I hope that the remaining Crown lands in this country will be kept in the hands of the State and leased to persons who will improve and cultivate them. The leases should be issued for say a period of 33 years, with the right of renewal if the conditions of the lease are fulfilled. A proper leasing system would effect a revolution in this country. The people are getting educated as to the leasing principle, and after it is in operation they will wonder that it was not adopted a great deal sooner. With a proper leasing system and a scheme of irrigation in the dry portions of the colony, the lands would become so fruitful that there would be immense quantities of produce to ship to other countries, and a large population would be attracted here. The colony would grow so prosperous that there would be no occasion to discuss the question of free-trade or protection; in fact, Victoria..."
would become what the honorable member for Geelong (Mr. Berry) said he would make it—a paradise for the working man. I feel as earnestly on the question of the sale of the Koo-wee-rup Swamp as I do on the subject of irrigation. By not separating the reclamation and sale of the swamp from the proposal to construct the Great Southern Railway, the Government are giving countenance to an idea prevalent outside that they want to hang up the Bill. Their action in connexion with the Bill has been most extraordinary, and there is a feeling in the country against them which will not soon be allayed. The two things are improperly yoked together. It will be a crime against society to sanction the principle of sale by auction. I appeal to the Government to say whether they will not separate the disposal of the swamp from the making of the railway. I do not approve of their sitting silent. I want them to make a distinct declaration on the subject. If they will separate the two proposals, I venture to say that the Opposition will vote both for making the railway and for reclaiming and dealing with the swamp; but they will not vote for the two things together.

Mr. Gibb.—Mr. Speaker, I desire to remind the House that when I proposed the Great Southern Railway there was a general consensus of opinion as to the desirability of constructing the line. I am pleased to see the way in which the Government have taken up the proposal. It rested with them to show where the money was to come from, and the idea of constructing it out of the proceeds of the sale of the swamp, after it has been drained, is a most excellent one. I regret that the question of selling the land by auction, or leasing it, has been mixed up with the subject of reclaiming the swamp and making the railway. I believe that I am expressing the opinion of most of the electors of Mornington when I say that the scheme submitted by the Government is one of the most sensible and practical proposals which they have brought forward. For a large number of years the Koo-wee-rup Swamp has not only been useless, but it has been detrimental to the selectors who have taken up land on the margin of the swamp, and in the surrounding district. I venture to say that when it is drained it will be one of the richest places in the country; in fact, it will be the garden of Victoria. Since the present agitation with reference to the swamp commenced, a number of selectors from Dimboola and the northern districts have actually visited the locality to ascertain the real value of the land, with a view of taking up portions of it, and residing there. The honorable member for Mandurang (Mr. Williams) has stated that the Great Southern Railway was a political necessity, but I am not aware that my vote is of so much value to the Government as to induce them to propose to construct this line unless they really believe that it will be for the public advantage. Moreover, the Government have dealt quite liberally enough with the electorate of Mornington to secure my vote, if it is necessary for them to secure it, without proposing this line. The line, however, can be amply defended on its merits. It will not only be of use to the people who will settle on the swamp itself, but it will serve a very large and long-settled district in South Gippsland. People have been settled on the land in that part of the country for the past 40 years, but they have had no means of communicating either with the metropolis or with Sale. The proposed line will develop the whole of that territory, and will be the means of a very large quantity of first-class land being taken up. Within the last two or three months applications have been received for 20,000 or 30,000 acres of land along the route of the line. The land in the district is not a "waste howling wilderness," as the honorable member for Sandhurst (Dr. Quick) stated it was the other night, but it comprises some of the richest and best soil in Victoria. Population is to be found along the whole of the route, with the exception of near Poowong, where the country cannot at present be got into by selectors. A block of 90,000 acres has been selected in one locality through which the railway will pass, and I have not the slightest doubt that the whole of the surrounding country, as well as the swamp, will be taken up within two years after the completion of the line. It must be remembered that a large portion of the swamp has been already reclaimed, and has been proved to be valuable and rich. I have seen crops growing upon the reclaimed land which yielded five or six tons of hay to the acre. I do not mean to say that the whole 70,000 acres are so rich as to be worth £10 an acre when the land is reclaimed, but I have not the slightest doubt that the swamp will realize sufficient to pay for the construction of the line. An attempt has been made to show that if the land is sold by auction it will fall into the hands of a few large proprietors; but I do not take that view of the matter. There is no fear of it being secured by two or three capitalists, because the land is too valuable.
to be purchased for mere grazing purposes. It will be eagerly sought after by small farmers who wish to cultivate it by their own labour and that of their families, and they will compete successfully against any large proprietors who may attempt to purchase the land. I think the Government are deserving of the thanks of the whole community for their proposal to drain and sell the swamp, and to construct the intended railway.

Mr. O'CALLAGHAN.—Sir, it seems to me, after listening to this debate, that the difference from a financial point of view between the proposal of the Government and that of the honorable member for Geelong (Mr. Berry) is really only the difference between tweedledum and tweedledee. In my opinion, however, after the swamp is drained it should be disposed of by selection, and not by auction. It ought to be put up in medium-sized blocks of say 100 acres each. There are plenty of farmers who would be willing to pay a fee of £2 10s. per acre for 100 acres of such land, in addition to paying 1s. per annum per acre for 20 years. By this means the Government would obtain a sufficient sum for the swamp to pay for the construction of the line, and there would be no departure from the system of selection which has hitherto been in operation, and to which I think the country is committed. The clause gives the Board of Land and Works power to reclaim the swamp, but I would like to know where the money is to be got from in the first instance to enable the board to do the work? I hope that the House, if it authorizes the Government to dispose of the swamp, will not sanction a reversion to the old and vicious system of sale by auction. If it does, it will do violence to the wishes and feelings of the great majority of the people of the country. If the Government would consent to the land being put up for selection in reasonable-sized blocks, I am sure that the proposal would be favorably entertained by the whole House.

Mr. LAURENS.—I am going to vote for the amendment, and I believe it is true that this Bill was out of the way. I think that we ought to divide upon it at once.

Cries of "Divide."

Mr. MASON.—I intended to make a few observations on the question before the chair, but, if it is the desire of the House to proceed to a division at once, I will refrain from doing so. I sincerely hope that there will be no further "stone-walling," but that the Bill will be disposed of to-night, and ordered to be sent to another place.

The SPEAKER.—I wish to mention to the House, before the division is taken, that the clause seems to vest the swamp in the Board of Land and Works, and to provide for its drainage and the construction of a railway, but where the money is to come from does not appear to be provided for. I think that this should be considered by the House.

Mr. MUNRO.—The Premier understands that in his country people can spend money without having it.

The SPEAKER put the question that the following words stand part of the clause:—

"The board may, after it has reclaimed or drained the whole or any portion of the lands comprised in the said swamp, sell by public auction any portion so reclaimed or drained."

The House divided—

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Ayes.

Mr. Blackett, "Bowman, Burrowes, Cameron, Carter, A. T. Clark, Cooper, Dufly, Francis, Gibbs, Gillies, Grant, Graves, Harper, Harris, Harper, Kerferd.

Noes.

Mr. Berry, "Cook, Fisher, Gardiner, James, Langridge, Laurens, Longmore, Munro, Nimmo, O'Callaghan, Pearson, Dr. Quick, Mr. Richardson, Shiel, Tucker, Woods. Tellers. Mr. Williams, A. Young.

Pairs.


Mr. LONGMORE proposed the addition to the clause of the following:—

"All lands sold under the provisions of this section shall be subject to, and every Crown grant thereof shall contain, a condition that
the grantee of any such land will not within ten years from the date of the sale to him of such land sell, transfer, or assign his right, title, or interest in any part thereof, or lease or sublet the same or any part thereof, and that in the event of any of such land being so sold, transferred, assigned, leased, or sublet, whether by operation of law or otherwise, the grant shall become absolutely void, and the land described in such grant shall, without further or other authority than this Act, revert to Her Majesty, and shall be and be deemed to be Crown land, and may be again sold by the board. In case of the death of any grantee of any such land within the said period of ten years, the provisions of this section shall no longer apply to such land, and the condition in the Crown grant shall be deemed after the death of such grantee to be void and of none effect."

He said—I originally intended my proposition to take the shape of a separate clause, but I now move it as a proviso.

Mr. GILLIES.—Who would buy the land at half-price on such conditions?

Mr. LONGMORE.—I rather expected the honorable member for Rodney (Mr. Gillies) to say something of that sort.

Mr. GILLIES.—How do you provide for assignees?

Mr. LONGMORE.—There would be no assignees to provide for. The honorable member knows well what party in the country it was which so provided for assignees in the Land Act of 1862 that the State lost 2,000,000 acres of its territory.

Mr. GILLIES.—Supposing a man obtained a Supreme Court judgment against one of the purchasers of the swamp land.

Mr. LONGMORE.—There is no need to go into that point. I may state that I would not feel bound absolutely by the precise terms of my proviso if the Government would propose some other means of gaining the same end. It was they who asked me to suggest some proposition like the present, it being understood that a check upon the purchasers of the swamp was to be devised.

Sir B. O'LOGHLEN.—It is unquestionably that, at the time the clause was passing through committee, the Chief Secretary pointed out to the honorable member for Ripon that when the Bill was reported he could propose the addition to the clause of a proviso, embodying certain reasonable conditions.

Mr. LONGMORE.—Conditions which would keep the purchasers on the land.

Sir B. O'LOGHLEN.—No; conditions that would keep the swamp from going into the hands of two or three holders. But what has the honorable member done? Proposed conditions which would render the grants of the land absolutely valueless. Nobody would dream of consenting to take up a grant on such terms. It would be like buying something which could not be enjoyed for ten years to come. As for the Government making any proposition on the subject, they consider it will be time enough to do that when they ask for money for the works necessary to drain the land.

Mr. LONGMORE.—I say that unless the purchasers of the swamp land are compelled to occupy their holdings in the same way as selectors, all other conditions will be ineffectual.

Mr. KERFERD.—No sane man would take up the land under the honorable member's proviso.

Mr. LONGMORE.—I never expected much help from the honorable member for the Ovens (Mr. Kerferd), who, doubtless, thinks it insanity to compel selectors to wait six years for their leases, but I anticipated that there would be sufficient patriotism in Ministers to induce them to take steps to prevent the swamp lands going into the hands of a few. Is the Government to spend from £50,000 to £100,000 of the public money in preparing land for a syndicate of capitalists?

Mr. WALSH.—It will be ten years before the swamp will be fit for occupation.

Mr. LONGMORE.—Then where would the money for the railway come from? The conduct of the Government is most surprising. What vision is coming over their eyes? To say the least, their not accepting the proviso or proposing another of a somewhat similar character is most disingenuous. They have "had" me like an innocent child, Will they not rise above miserable party feuds, and strike boldly for public favour? Possibly if they were in office when the swamp was sold, no harm would be done, but, if a Government of a different kind was at the head of affairs, there would be no knowing the extent to which the hands of capitalists would be played into. Let honorable members ask themselves what sort of party it is that is now anxiously waiting to get rid of the present Ministry, and step into their shoes. I am deeply sorry to see the Premier in any way serving the purposes of that party, because of whom is it composed? Of individuals who would do anything to keep the lands from going into the hands of the people. It is, however, to be hoped that the honorable gentleman and his colleagues will turn at the last moment, and decide that means for disposing of the Koo-wee-rup Swamp land shall not be provided until conditions are imposed which will prevent speculators from purchasing it.
Mr. RICHARDSON seconded the amendment, which was negatived without a division.

The amendments made in committee having all been adopted,

Mr. BENT proposed the omission of the 6th sub-section (Bacchus Marsh Railway) of clause 3.

The amendment was agreed to.

Mr. BENT moved that "North" be inserted before "Creswick railway station" (the starting point of the Creswick and Daylesford Railway) in the 12th sub-section.

The amendment was agreed to.

Mr. WHEELER moved the omission of the words "in the parish of Spring Hill" (the terminal point of the Creswick and Daylesford Railway), in the 12th sub-section, with the view of inserting instead the words "at or near the Daylesford railway station.

He said the object of the amendment was to secure the continuation of the railway already provided for in the sub-section from Spring Hill right on to Daylesford. He felt that he owed the House some sort of apology for making such a proposal after the Bill was virtually closed, but when the last opportunity for submitting it occurred, he was away with Mr. Zeal and Mr. Gore, endeavouring to find a route with easy gradients for the line he had in view. As a matter of fact, the construction of a railway from Creswick to Daylesford was no new proposition. It had been in effect already more than once before the House, but the Government had always opposed it on account of the engineering difficulties in its way. He was, however, now able to state, on the authority of the well-known engineers he had mentioned, that a perfectly easy route, with comparatively light gradients, had been discovered for it. Under these circumstances, the only question was where was money for the line to come from? That was a great obstacle, but he apprehended the case would be met by extending the annual appropriation of £200,000 from the land revenue, which the Bill already provided for, over four years, instead of over only three years. A large number of honorable members had already requested that that extension should be made. (Mr. Gillies—"Why not extend the appropriation over six years??") Another £200,000 would be sufficient for the new line, and he would not ask for more. Almost every other part of the colony being amply provided with railways, it would be only right to accommodate the great mining districts of Creswick and Ballarat with a line which, in addition to developing a fine cross-country traffic, would be the means of supplying those gold-fields with the mining and other timber of which they were now in great need. One might say, indeed, that unless a supply of that material was soon afforded them, mining operations in that part of the country would assuredly receive a severe check. The Premier talked of putting a sum of money for this line on next year's Estimates, but he (Mr. Wheeler) could not help feeling that next year's wants would arise with it, and that a bird in hand was worth two in the bush. He would also point out that if the Government consented to the present proposition, which they might very well do, seeing that they had already expressed themselves as willing to bow to the decision of the House, an immense number of heart-burnings would be removed, and peace would reign in what was now a very stormy quarter of the Chamber. In conclusion, he begged honorable members to observe that the proposed line would connect with the North-Eastern Railway, and also open up several large centres of population which were as much entitled to railway accommodation as any district in the colony.

Dr. QUICK remarked that he did not intend to record his vote upon a question so important to the mining community without giving an explanation of his views. He regretted exceedingly the undertaking which the Premier gave on a previous evening to the honorable member for Castlemaine (Mr. Pearson), and the full effects of which the honorable gentleman could not have foreseen. Had the honorable gentleman been an astute leader of the House, he would not have given such an undertaking, and the least that could now be done was to give the honorable gentleman credit for not desiring the interpretation to be placed upon his words which had been placed on them by some honorable members, namely, that they were intended as a general expression of a determination on the part of the Government to vote against all additional lines which honorable members might bring forward. As the representative of a mining constituency, he (Dr. Quick) felt it to be his duty to support any reasonable proposition emanating from any other representative of a constituency of a similar character. He did not pretend to any special local knowledge in reference to the district which the honorable member for Creswick (Mr. Wheeler) had spoken of, but he thought the honorable member had made out a very good case in favour of his proposition, being in possession of information which even the
Government could not obtain, and it was unfair, unreasonable, and a piece of impertinence for honorable members who knew nothing of the local requirements of a district to denounce those claims. In the discussions which had taken place on various portions of the Railway Bill, he considered that the mining districts of Sandhurst, Ballarat, and Creswick, had been infamously treated, and he had not the slightest hesitation in saying that a time would come when the Ministry would be called to account for the very lukewarm manner in which they had advocated the interests of the mining community. He regretted that in previous debates on the Railway Bill the members representing mining constituencies had not stood by one another, and he could only attribute it to certain influences at work outside the House, and which were deserving of the strongest condemnation. When the people became aware of those influences they would awake to a sense of the injustice which had been done. The representatives of the mining districts ought to be able to make a stand in the House worthy of their position and of the vast interests which they had at stake, and he hoped it was not yet too late in the career of the Railway Bill to make some reparation for the neglect with which the mining community had been treated. He certainly regretted that he and his colleagues were not made aware of the insidious agencies which were at work to defeat the interests of that community. He was aware of two of those influences, and they were the carrying companies of the river Murray and the Moama and Deniliquin Railway Company. But for those agencies Sandhurst would have had no reason to hold an indignation meeting protesting against the glaring injustice perpetrated by the rejection of the Heathcote and Sandhurst Railway in the House, and he warned honorable members that a time would come when the voice of the colony would call upon them to do their duty by that constituency. He hoped to be a member of the House at some future day when the lines which he had advocated this session would be agreed to and carried out. He would support the motion of the honorable member for Creswick, in the hope that on the following Tuesday the House would be induced to reconsider the proposal to extend for an additional year the time during which £200,000 was to be set apart from the consolidated revenue, in order that lines urgently required by Ballarat and Sandhurst might be carried out.

Dr. Quick.

Mr. COOPER observed that the line proposed by his honorable colleague (Mr. Wheeler) would affect mines which now represented a commercial value and interest of about £1,200,000. During the current month they were paying £30,000 in dividends, and their annual yield of gold was considerably over half a million. This large industry was dependent for its prosperity on some such line of railway as that now before the House, so that honorable members must see how great was its importance. Last year one company obtained firewood for 15s. a cord, whereas this year the same company were paying 28s., or nearly double what they paid during the previous year. With such facts as these before them, honorable members anxious to do justice to all classes of the community should support the present proposal. During next year there would be a number of additional working mines in the locality, and the quantity of timber required would be largely increased, and, unless this railway was constructed, the cost would be augmented by 50 or 100 per cent., over what was paid last year.

Mr. McCOLL said that the importance of developing the gold-fields of the colony being universally admitted, it ill-became honorable members representing metropolitan constituencies to pooh-pooh the efforts being made to pass a railway which was so essential to the interests of the Ballarat and Creswick districts. He would support the proposal of the honorable member for Creswick (Mr. Wheeler), because it was necessary that the gold-fields should be supplied with timber, and because he considered that justice would not be done to the mining community about Ballarat and Creswick if it were not agreed to.

Mr. DUFFY asked what the Government intended to do with the proposal placed before the House by the honorable member for Creswick (Mr. Wheeler)? From the expressions of opinions which had been given from all sides of the House, it appeared that the line was a most desirable one, and that the only real objection to it was founded on the score of expense. It was said that the gradients would be heavy, and that the outlay would be increased by the difficult nature of the country, but, on the other hand, an assurance had been given that another route had been inspected by engineers, who said that it could be adopted without heavier gradients than 1 in 50 being necessitated. This line would not only connect the two railway systems of Ballarat and Sandhurst, but would connect the mining districts with the great forests in
the neighbourhood of Trentham. It would cheapen timber to a tremendous extent. It was not a "grand national line," starting nowhere and finishing in the bush, but was one which would be largely made use of both for passengers and goods traffic. The Minister of Railways said there was no money available with which to construct the line, but the House was ready to sanction the appropriation of £200,000 from the consolidated revenue for an additional year, so that that objection was not a valid one. Out of the additional £200,000 a short, light, and inexpensive line could be made to Trentham, and by the same means other lines, which at present would terminate in the bush, could be completed. The line from Kyneton to Redesdale could also be extended if the plan of obtaining money which so many honorable members had advocated was adopted.

Mr. BENT stated that the Government intended to oppose the proposal of the honorable member for Creswick (Mr. Wheeler). The Premier told honorable members on a previous night that the Government desired to close the Bill, so that no more lines could be added to it. When this line came before the Cabinet it received every consideration, but it was decided that it should not be agreed to. Any one who had gone over the route of the line must know that it could not be constructed with a gradient of 1 in 50. It was all very well for honorable members to talk about Mr. Zeal and other gentlemen having gone over the route and asserted the contrary, but it would be interesting to see if any engineer would pledge his word and stake his reputation on the possibility of making the line with a gradient of 1 in 50. He (Mr. Bent) had sent an engineer over the proposed route, and it would be time enough to take the matter into consideration when that officer's report was sent in. The Premier had already said that, if circumstances warranted it, he would next session place a sum on the Estimates for the construction of the line. The Government, however, were bound this session to oppose every additional proposal for railway construction. What had Sandhurst got to do with the line? Was there a log to be rolled? (Dr. Quick—"No; justice to be done.") What did the cry for justice mean? The Minister of Mines had worked in the Cabinet to get the line from Heathcote to Sandhurst placed in the Bill, and the Government had divided upon it four times. No honorable member could say that any member of the Government had voted against that line. (Dr. Quick—"You have spoken against it.") He had spoken against it, and he would do so again. He knew the line better than the honorable member for Sandhurst (Dr. Quick), and every statement which he had made about it was true to the very letter. The line was included in the Bill against his wish, and at the request of the Minister of Mines. (Dr. Quick—"You have cut his political throat.") He cared nothing for "political throats." If the people of Sandhurst could not recognise an honest man, the sooner the Minister of Mines ceased to represent them the better. Neither he (Mr. Bent) nor his constituency had raised an outcry because the Picnic Point to Cheltenham and the Albert-park to Elwood lines had been struck out of the Bill, although they would have proved two of the best paying lines that could be constructed. Did honorable members think that the Cheltenham line would have been struck out if he had not been Minister of Railways? On the route of the line from Heathcote to Seymour there were only three or four selections, and there was very little of the ironbark spoken of by the honorable members for Mandurang. He had been over the route, and knew this to be the case. (Mr. McColl—"I have been over the route again and again.") Then the honorable member could not deny his statement. (Mr. Williams—"We can, and do.") Truth would not permit him to do it. (Mr. McColl—"We are speaking of the route from Goornong to the Goulburn.") That was a different thing; he (Mr. Bent) was speaking of the other route upon which there was no ironbark. It was ungrateful, to say the least of it, for honorable members representing Sandhurst to speak of the Minister of Mines as they had done. Those honorable members had managed in a most blundering way, and they could only expect to be defeated. The Ministry had placed lines, based on commercial principles, before the House, with a view of opening up the resources of this great country. (Dr. Quick—"Yes; and then asked the House to strike them out.") He (Mr. Bent) was prepared to go before a public meeting at Sandhurst and say that it was the blundering and bungling of the honorable members for Sandhurst which had caused the line in which they were most interested to be struck out. Why did they not vote in favour of the Kerang and Swan Hill line? The honorable members for Mandurang had a certain project in view, but the honorable members for Rodney were too good for them, because they played their game in such a clumsy manner. He (Mr. Bent) asked the honorable members for Sandhurst...
to repeat now what they said at Sandhurst. When did any member of the Government vote against the line from Heathcote to Sandhurst? (Dr. Quick—"You spoke against it.") The Government did their utmost to pass the line, although he did not believe in it. He was ready to repeat whatever he had said in regard to the line. (Dr. Quick—"You will never be forgiven.") What did he care about Sandhurst more than any other place? Anything he had said about that city he had said straightforwardly, and if Sandhurst would send to Parliament representatives who did not understand their business, whose word would not be taken, and whose party would not support them, he could not help it. He referred now more particularly to the honorable member (Dr. Quick). That honorable member had spoken of bribery, and said that he was afraid to open his mouth, for fear of injuring the interests of Sandhurst. He would do better if he adopted other tactics, and spoke on all occasions the honest truth. If the people of Sandhurst did not believe in his (Mr. Bent's) figures in reference to the Heathcote and Sandhurst line, let them employ an engineer to disprove them from actual investigation, and if they succeeded he would apologize. If they had asked for a line to the Campaspe there would have been some reason for their request, or if they had asked for a tramway for the purpose of obtaining timber for the mines, it might have been received with greater favour than the Heathcote line. No one regretted more than he (Mr. Bent) did the loss of the line from Kerang to Swan Hill, and of that from Sandhurst to the Campaspe, for, in his opinion, both of these lines ought to have been included in the Bill. No matter how good the lines might be which honorable members had still to propose, the Government would not agree to them.

Mr. BELL remarked that he thought something should be done to effect a communication between the gold-fields and the large forests, and with this view one of the routes suggested by the honorable member for Ripon and Hampden, the honorable member for Creswick (Mr. Wheeler), and the honorable member for Ballarat East (Mr. Brophy) should be agreed to, if not now, at some future time, and a tramway laid down upon it. Unless some action was taken in order to supply the mines with timber, the industry of gold mining would suffer very greatly. If the Government would not agree to the construction of a line, private enterprise would have to be called in to supply the want. The Government ought, in his opinion, to give a pledge now that they would place a sum on the Estimates for the construction of a tramway between the mines and the forests, because the falling off in the timber supply had assumed a very serious aspect. At the present time, an enormous quantity of timber, which would be of great value in the mines, was allowed to go to waste in the forests simply on account of the want of a small line by which it could be conveyed to the mining centres.

Mr. RICHARDSON observed that it was useless to further discuss the proposal of the honorable member for Creswick (Mr. Wheeler), and it would have been as well if the debate had not been entered upon. He would not have spoken on the question but for some remarks made by the Minister of Railways. It was very improper that the honorable gentleman should be allowed to make statements which were an insult to some honorable members. If that was permitted, the Government must expect to get reprisals. The debate would probably have been terminated by that time had not the Minister of Railways made an attack on honorable members who were advocating certain lines, singling out the honorable member for Sandhurst (Dr. Quick), and stating that he was unworthy of representing that constituency; and not only that, but designating the people of Sandhurst as being foolish for having returned him to Parliament. The conduct of the Minister of Railways had been disgraceful. ("Oh!") If the term was unparliamentary he (Mr. Richardson) would withdraw it, but he certainly thought the honorable gentleman had made statements which ought not to be tolerated in a deliberative assembly.

Mr. FRANCIS observed that the honorable member for Creswick (Mr. Richardson) was probably not aware of the language used to the Minister of Railways by the honorable member for Sandhurst (Dr. Quick), and which, to a certain extent, accounted for the remarks of the Minister of Railways.

Mr. RICHARDSON stated that he was absent from the House when the honorable member for Sandhurst (Dr. Quick) was speaking, but the remarks of the Minister of Railways certainly seemed to be of a very offensive character. His statements in reference to the line from Creswick to Daylesford were very inconsistent. The Minister of Railways had said on more than one occasion that he was in favour of the extension of the Creswick line, and he appeared offended if any one said he
was opposed to it. Yet, on a former occasion when it came before the committee, the honorable gentleman gave as a reason why it should not be constructed, that it would require a gradient of 1 in 20, or 1 in 27. (Mr. Bent—"You know I spoke on the report of the engineers.") He knew that, but he (Mr. Richardson) pointed out at the time that the survey was made along a route over which no railway could possibly be constructed, whereas a route with easy gradients was available. He told the officers of the Railway department, while the survey was being made, that the money which it cost might as well have been thrown into the sea. What he blamed the Minister of Railways for was for repeating his previous statement, although it had been denied by him (Mr. Richardson) who knew the country, whereas the Minister of Railways had not been in the country. (Mr. Bent—"Yes, I have.") The honorable gentleman went only into the farming district; he never went into the forest. (Mr. Bent—"Yes, I did.") The honorable gentleman did not cross the ranges. (Mr. Bent—"Yes, I did; I know the country better than you do.") Certainly the Minister of Railways did not cross the ranges for the purpose of seeing the route of this railway. As for knowing the country better than he (Mr. Richardson) did, he had been in the district for over 27 years, and the honorable gentleman's statement therefore was just on a par with the rest of the information he had given the committee on the subject of the Railway Bill. It was impossible to rely on any information given by the Minister of Railways, yet he was always boasting of his purity and truthfulness. Notwithstanding the fact that, as had been stated by his (Mr. Richardson's) honorable colleague in the representation of Creswick (Mr. Wheeler), two competent engineers, Mr. Zeal and Mr. Gore, had been over the country, taken levels, and found that a railway could be made with a gradient of 1 in 50, the Minister of Railways still repeated his former statement made on the strength of a survey over a wrong route. (Mr. Bent—"Where is their report?") Did the Minister of Railways suppose that Mr. Zeal would go away from his statement? (Mr. Bent—"Show me his report with his name at the bottom of it.") He did not wonder at the Minister of Railways asking for a report with a name at the bottom of it, considering that the honorable gentleman's statements could never be received by honorable members unless they were authenticated in that way. (Mr. Bent—

"You cannot contradict my statement.") There was no occasion to contradict the honorable gentleman's statements, for he made statements all round the compass and they contradicted each other. He did not blame the Minister of Railways for opposing this line at the present stage—the Government could hardly do anything else than oppose it after the compact they entered into with the honorable member for Castlemaine (Mr. Pearson) but he blamed the Minister for repeating over and over again a statement which had been denied and disproved. He (Mr. Richardson) knew the proposal of his honorable colleague was bound to be negatived, and therefore he thought the best thing honorable members could do would be to get this Bill, or this corruption, out of the place as quickly as possible.

Sir B. O'LOGHLEN rose to order. Was the honorable member for Creswick (Mr. Richardson) justified in applying the term "corruption" to any measure before the House?

The SPEAKER.—I think the word is improper, and ought to be withdrawn.

Mr. RICHARDSON observed that, if the word was unparliamentary, he would withdraw it. He was sure the Minister of Railways must regret, on consideration, the course he had taken that evening. If the Government could not see their way to support the present proposal, of course there was no use in saying anything more on the subject.

Mr. JAMES remarked that, like the honorable member for Creswick (Mr. Richardson), he could not see how the Government could re-open the Bill at the present stage after the compact they had entered into, but they must be prepared to take the responsibility of having, by their action, deprived one of the largest mining districts in the colony of a proper supply of firewood and other timber. Besides the evil did not merely concern the particular district immediately affected, because, if the mining industry was throttled, the whole colony would suffer. He thought the Minister of Railways spoke rather hastily when he said he knew the country through which this line would go better than the honorable member for Creswick, for not only had the latter lived in the district for many years, but in his capacity of surveyor he had occupied a responsible position which afforded him special opportunities for acquainting himself with the geographical features of the locality. He (Mr. James) did not know whether the gradients on the proposed line would be 1 in 20 or 1 in 50, but
from the remarks of the honorable member for Creswick he was more inclined to believe that honorable member's statement than the assertion of the Minister of Railways that the line was all but impracticable. It was hopeless, however, to argue further on the subject, and he would only say that on the Government must rest the odium of doing a gross injustice to a large mining community if the miners were not given this or some other line which would afford an adequate supply of timber.

Mr. FISHER said he felt it necessary for his own self-respect to repel the insinuation contained in the statement of the Minister of Railways that the honorable members for Sandhurst and Mandurang had "played a clumsy game." (Mr. Bent—"I did not refer to you." ) He (Mr. Fisher) was one of the members for Mandurang. (Mr. Bent—"I only meant Sandhurst; I withdraw the 'Mandurang.'" ) He was glad the Minister withdrew the remark, because he (Mr. Fisher) could say that he had never played any "game" since he had been in the House. He had always endeavoured to deal honestly and fairly with all matters brought under his consideration.

Mr. WILLIAMS remarked that the members for Sandhurst and Mandurang had had exceptional difficulties to encounter with regard to the Kerang and Swan Hill, and Heathcote and Sandhurst lines. In the first place, the two leading metropolitan journals had been bitterly opposed to both propositions, and their influence alone was almost almighty with honorable members. In fact, the result of their influence in this case indicated very strongly that, as had been said in another country, the time was not far distant when the fourth estate would rule the world. In addition to the press, however, there had been an influence of an extraordinary character brought to bear on honorable members. Any one who had seen in the lobby the number of delegates sent to Melbourne to influence honorable members could not be surprised at the rejection of the Kerang and Swan Hill line. He thought the attack which the Minister of Railways had made on the honorable member for Sandhurst (Dr. Quick) was quite unjustified, and he could only account for it by the fact that the honorable member was rather too popular in Sandhurst for the Government, and it was desired to try and depreciate him in the opinion of his constituents. He (Mr. Williams) intended to support the proposition now before the House, because it was intended to connect two great mining centres, and especially to facilitate the supply of firewood for the mining community. The Minister of Railways himself had admitted that the line was a good one, and that it would give him great pleasure to construct it if he had sufficient money. He (Mr. Williams) believed, however, that many honorable members would be willing to allow the Government to take £200,000 per annum from the land fund for railway construction for four years instead of three, and if this proposal was adopted there would be an additional £200,000 available for railway construction. It was nothing but a delusion for the Government to talk about introducing another Railway Bill next year, to include three or four short lines which were considered necessary, and which had been left out of the present Bill. Considering that very few of the 56 railways in the present Bill would be even commenced by next year, it was not at all likely that the House would tolerate the Government proposing another Railway Bill so soon. It was much more likely that there would not be another Railway Bill for seven or eight years, and, therefore, Sandhurst and Mandurang, if they were left out in the cold now, would probably have to go without the railways they required for that period if not longer. Consequently, he strongly deprecated the conduct of the Government in putting up their backs against the inclusion of any more lines in the Bill, especially after the Premier had distinctly promised to support the Kerang and Swan Hill line if it was again proposed. After that pledge the Government ought not to have entered into any compact with the honorable member for Castlemaine (Mr. Pearson) to oppose the addition of any further railways to the Bill; at all events, the Premier ought to have expressly excepted the Kerang and Swan Hill line from the terms of the compact, on the ground that he had pledged himself to support it. He (Mr. Williams) ventured to say that the Premier entered into the compact altogether on his own responsibility, and without consulting his colleagues. He believed that, if the other members of the Ministry had been consulted on the matter, they would not have allowed the Premier to enter into an arrangement so entirely inconsistent with the previous promises of the Government. There was still £100,000 of the loan unallotted, and why could not the Government apply it to constructing the line from Sandhurst to Axedale, the line from Kerang to Koondrook, and the extension now before the committee? Those lines would
only amount to 36 or 37 miles altogether, and the Government had still £100,000 in hand. (Sir B. O’Loghlen—“No.”) Since the Minister of Railways stated that there was a balance of £130,000 to the good, only one line had been added to the Bill, which was estimated to cost only £26,000. (Mr. Bent—“About £60,000 has been added.”) If the three short lines he had mentioned were included, the Bill would be regarded as affording at least a modicum of justice to the mining districts. As there were several other honorable members who wished to address the House, and there were other propositions to be considered, he begged to move the adjournment of the debate.

Sir B. O’Loghlen observed that he did not wish to press the House unduly, but he would remind honorable members who wished to address the House, and there were other propositions to be considered, he begged to move the adjournment of the debate.

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Mr. McGILL intimated that he agreed to the proposition of the Premier.

Mr. WHEELER observed that he was glad that the debate was to be adjourned, because, when he represented to the Minister of Railways that a route to Daylesford had been discovered with easier gradients than that previously surveyed, the honorable gentleman agreed to send a party of surveyors to go over the new route, and their report might be furnished to the department by the following Tuesday.

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The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the following Tuesday.

The House adjourned at ten minutes past eleven o’clock, until Tuesday, October 17.

LEGISLATIVE COUNCIL.

Tuesday, October 17, 1882.

ASSENT TO BILL.

The President took the chair at twenty-five minutes to five o’clock p.m., and read the prayer.

The President announced to the Council that he had received a message from the Governor, intimating that at Government House, on the 10th October, His Excellency gave his assent to the Council Supplementary Rolls (1882) Bill.

MESSAGES BETWEEN THE HOUSES.

The Hon. W. E. HEARN brought up a report from the Standing Orders Committee recommending the Council to agree with the Assembly in adopting the following as a joint standing order:—

“In any joint standing rules and orders of the Legislative Council and Legislative Assembly the words ‘in writing,’ or ‘written,’ shall be deemed to mean and include ‘either written or printed, or partly written and partly printed.’”

The report was adopted.

TELEGRAPH TO SNAKE VALLEY.

The Hon. C. J. JENNER (in the absence of the Hon. P. RUSSELL) asked the Solicitor-General if it was the intention of the Government to extend the telegraph to Snake Valley?

The Hon. F. S. DOBSON, in reply, read the following memorandum from the Deputy Postmaster-General:—

“Inquiries have been made respecting the requested extension of the electric telegraph to Snake Valley, but it does not appear that the possible amount of business would at present justify the expense of erecting the line and maintaining and supporting a post-office and telegraph establishment. It is not, therefore, intended to take any immediate action in the matter.”

PETITION.

A petition was presented by the Hon. W. PEARSON, from the shire council of Narracan, in favour of the Tramways Bill.

TRADE UNIONS BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. F. S. DOBSON (in the absence of the Hon. H. CUTHBERT), was read a first time.
MARRIED WOMEN'S PROPERTY ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. J. BALFOUR, was read a first time.

UNIVERSITY OF MELBOURNE LAW FURTHER AMENDMENT BILL.

The debate on the Hon. F. S. Dobson’s motion for the second reading of this Bill (adjourned from October 10) was resumed.

The Hon. W. E. STANBRIDGE.—Mr. President, I would like to know, before resuming the debate on this Bill, whether a member of the senate of the University, elected to a seat in the council, retains his membership of the former body?

Mr. ANDERSON.—Yes.

Mr. STANBRIDGE.—I beg to thank honorable members for the opportunity they afforded me, by consenting last week to the further adjournment of this debate, of giving additional consideration to this very important measure. I regard amending the constitution of the institution from which our future legislators are to come as an extremely momentous task, which it behoves us to undertake only with the greatest possible care. In view of what has fallen from previous speakers on this Bill, and the exhaustive manner in which they dealt with the proposals embodied in it, it might, perhaps, be expected that a young member like myself would be satisfied to give a silent vote with respect to it, but some impulse in my nature has led me to desire to offer a few remarks on the subject. The fact is that, while I hope that nothing I may say will be construed to indicate a desire to treat the council of the University with anything but the utmost deference, I cannot forget that the general rule with the institutions of the colony is that they grow from below upwards, and not from above downwards. The original constitution of the council was designed in a very excellent way, but it omitted one little provision, namely, that they should become an elective body as soon as the senate came into existence; and I would have expected that when, with nearly thirty years’ experience of their position, they asked Parliament less than two years ago to amend their constitution, they would have sought to utterly abandon everything in the shape of exclusiveness, and to be constituted entirely on elective principles. They did not, however, take that step, and what do we now find? That they want their constitution still further amended. But if their long experience of their original constitution was not sufficient to give them a full understanding of their needs with respect to it, how can we suppose that the few months’ experience they have had of the working of the University Constitution Amendment Act has enabled them to realize all its short-comings? Upon the whole, I think it rather strange the council have not already sought to withdraw their present propositions, with the view of giving them a little more consideration. Then, taking up the Amending Bill they have laid before us, what do I discover in it? That it proposes that the Chancellor shall occupy what appears to me a very unusual position, namely, that of a purely ornamental head. In other words, it is intended to put a feudal head on an elective body. Well, I don’t think this House desires to perpetuate the feudalisms of the old country. Why should we be asked to constitute a Chancellor who will be only an introducing medium? Why should we, who are essentially a community of workers, seek to copy the merely ornamental forms of the old country? I am thoroughly opposed to the ideas of the council in this regard. If the Chancellorship is to be an ornamental office, and the Vice-Chancellorship a working one, I would have the two combined together. I would not have ornament without use. To the payment of the Vice-Chancellor I see no objection whatever. Why should we not give to the University corporation precisely the same freedom we give to all the other corporate bodies of the country? My voice will always be for liberalizing the University rather than for cramming or restricting it. With respect to the proposal to make the appointment of the Chancellor one for life, I will vote for the amendment already suggested to us to the effect that it should be one for five years only. I think such an arrangement would keep the council of the University in harmony with its head, and I would prefer it to the appointment being simply annual. I will repeat what I have already pretty plainly expressed, namely, that I am surprised the council did not, before asking Parliament to still further amend the constitution of the University, wait until the Act of 1881 had had time to operate so far as to let the elective portion of the body gain its proper influence over the nominee portion, but they have not done so. That places the House in a rather awkward position towards the Bill, but nevertheless if we are to deal with it we must do what we
can to improve it. One remarkable circumstance is that almost every honorable member who has spoken on the measure has expressed himself adversely to it, and I really think the council ought to take the warning. For example, Sir Charles Sladen, who has had considerable University experience, practically condemned the Bill from end to end. If one part of it has been more severely criticised than another, it is clause 4, which provides that neither the Chancellor nor the Vice-Chancellor shall preside at the ordinary meetings of the council. To my thinking, such a provision on the statute-book would be a disgrace. It is one that every occupant of the Chancellorship or Vice-Chancellorship would be bound to regard as degrading. I have now said about all I desire to say on the Bill. It is true I have spoken without much experience of the working of a legislative body, but I have had twenty years’ experience of the working of local bodies, and I know well the sort of measure that is likely to operate successfully in connexion with a governing institution. It will be gathered from my observations that I am, upon the whole, opposed to the Bill, and would gladly see it removed by its authors from our purview.

The Hon. J. BALFOUR.—Sir, I do not altogether take the views of the last speaker with regard to the Bill. It is no doubt to be deplored that fresh legislation with respect to the University should be found necessary so soon after the passing of the University Constitution Amendment Act, but nevertheless there are one or two provisions of the measure before us that demand my support. In the first place, it will be a decided advantage to have the Chancellor elected by the senate instead of by the council. That is an arrangement which can hardly be described as a going back to feudalism. The Bill also proposes that the Chancellor shall be elected for life, but I would prefer that the election should be for five years only, as is generally the rule in the home universities. As to providing for the payment or remuneration of the Vice-Chancellor, I fancy it would be premature for us to do anything of the kind now, seeing that there are at present no funds available for the purpose.

Mr. ANDERSON.—But why not give us power to use the funds when we have them?

Mr. BALFOUR.—It will be time enough to deal with the question when the funds are in hand. I do not say I feel strongly on this point, but I take into consideration that the senate has a divided mind on the subject. With respect to the 4th clause there has been a good deal of criticism. I quite admit that it seems singular to legislate that the Chancellor should not be required to preside at meetings of the council except on state occasions, but let us look at the practice at home. I have made inquiries, and I find that the Chancellor of an English university is usually elected simply to do honour to the office. Surely it would be absurd to ask a gentleman occupying such a position to preside at ordinary business meetings of the body over which he is primarily elected to preside on such important occasions as the conferring of degrees. I may further mention that I am given to understand that the gentleman who was last elected to the office of Chancellor, and whom we all wish to see in that position, quite concurs with the views of the council on this subject. Indeed, it stands to reason that the supreme head of the University should not be mixed up with party questions or the smaller details of the management of the institution. I also wish to see the Bill taken in hand in order that it may be amended so as to comply with the desire of the senate that the power of members of that body to vote by proxy should be clearly defined. On the grounds I have stated, I shall give my voice for the Bill being, at all events, taken into committee.

The Hon. J. LORIMER.—Mr. President, I am bound to say that almost everything that has fallen from the previous speakers in this debate has added to the misgivings that have arisen in my mind as to the policy of our passing this Bill at the present time. I think very solid reasons have been offered to show that it would have been wise in the council of the University had they given the measure much more consideration before they took the step that brought it before us. A good deal has been put forward respecting differences that have arisen in the management of the University, and at the same time a vast amount of mystery has been indulged in with respect to the subject. For myself, I don’t know what those differences are, but I think that, inasmuch as their existence has been indicated, we ought to know more about them before we interfere in University affairs to the extent we are asked to do. In the first place, we might be able to point out to the council how those difficulties might be surmounted without any amendment of the law; and, secondly, we would know whether the whole business is not the fault of the
We passed some eighteen months ago has under which they hold their powers. I am sure, so interested in the future of any trouble were displayed, it would be practicable to carry on the work of the institution without any trouble at all. Moreover, I bear in mind what has been already pointed out, that the University Constitution Amendment Act we passed some eighteen months ago has hardly as yet had a sufficient trial. We are all, I am sure, so interested in the future of the University and the maintenance of its reputation that we must feel the danger of frequent experiments in connexion with its management, and that in hastily adopting any changes in that direction we may make very great mistakes. Nevertheless, it is not my intention to oppose the second reading of the Bill. No doubt the way it has been criticised and condemned, the uncertain attitude of the senate with respect to it, and the extraordinary circumstances attending its introduction to this Chamber, all go to shake any confidence we may have in the measure; but still, inasmuch as it is before us, we may as well go on with it. The honorable member who introduced the Bill has criticised it, and stated that it is his intention to move several important amendments, in committee, so that I think there are good reasons for supposing that the measure will have to be considerably altered before it is passed into law. The proposal to make the office of Chancellor of the University a nominal and ornamental one, instead of one demanding real work from the holder of it, is in the abstract, perhaps, a good thing. Up to the present there have only been two Chancellors of the Melbourne University. The first of them was a conspicuous success, as every one acquainted with his career will be ready to acknowledge. I do not hesitate to say that the late Chancellor (Sir Redmond Barry) was a man pre-eminently fitted to perform his duties. It is, however, a matter of public notoriety that the gentleman who recently occupied the position did so unwillingly. It is now proposed, as I have said, to make the position of Chancellor a nominal one, leaving the executive functions of the office to be discharged by the Vice-Chancellor. What are the new functions that are to be imposed upon the latter, and what guarantee have we that the council as at present constituted will be more successful in appointing a Vice-Chancellor capable of discharging his duties than they have been in electing a Chancellor? So far as I know, the new functions, of which a good deal has been said in the House, have not yet been passed by the Senate, and I think we should wait until they are passed, so that we may know something as to their nature before we proceed to make any change in the mode of electing the gentleman to whom they are to be intrusted, and before any question of remuneration is raised. So far as I am informed at the present time, I think it would be a great mistake to give payment to the Vice-Chancellor. What extra duties are there to be imposed which the registrar cannot perform? I would be very sorry to see the funds of the University, which are so much needed to augment the salaries of the lecturers, who are at present underpaid, devoted to the remuneration of an additional executive officer. No necessity has yet been shown for such a course, and I would be sorry to think that in this community we could not find a man who would be able and willing to devote a sufficient amount of time and intelligence to the work of the University without remuneration. I hope that the honorable members who support the Bill will give us more information on these and other points as we proceed with the Bill. I shall vote for the second reading of the measure, though with great misgivings as to the policy of passing it at the present time, and with the hope that a number of changes will be made in it in committee.

The motion was agreed to, and the Bill was then read a second time, and committed.

On clause 1, Mr. STANBRIDGE moved that progress be reported.

Mr. LORIMER suggested that, as the Bill had passed its second reading without opposition, the committee might proceed to pass the clauses on which there was little difference of opinion, leaving those in which important amendments would be made till a future occasion.

The Hon. F. S. DOBSON remarked that he would be sorry to convey the impression that he desired the Bill to be withdrawn, but, considering the late period in the parliamentary session which had been arrived at, and the state of business in another place, it was hopeless for honorable members to imagine that the measure would be passed into law during the present session. It would also be useless for honorable members to imagine that the measure would be passed into law during the present session. On these grounds it was desirable that progress should now be reported. He was placed in a somewhat false position in regard to the Bill. He received instructions...
from the Premier to introduce it on the understanding that the gentlemen who were connected with the University were unanimously in favour of it. It was now, however, found that the senate of the University were equally divided upon it, and that, at a meeting held to discuss it, that body only declared in favour of a particular portion of it, concerning which there had been a considerable amount of dispute, by the casting vote of the chairman. This placed the Government in a rather awkward position. It was asserted that the University wanted the Bill, and it had been introduced under a misapprehension as to the feeling of those who would be affected by its operation. He questioned whether the Bill if passed would do any practical good, and by continuing the discussion upon it honorable members would only be hampering themselves by expressing views which might affect the position of a future measure. He would vote against the motion to report progress, in order to justify the position he occupied in regard to the Bill, but at the same time he thought that it would be better to go no further with it at the present.

The Hon. R. SIMSON expressed the opinion that the Bill was badly thought out by those most interested in it, and that it would be wise if they abandoned it altogether. A more carefully drawn measure, to which the senate and the council of the University had given their assent, should be introduced, as upon the present Bill there seemed to be a great diversity of opinion. He would, in fact, prefer to see the Bill withdrawn altogether.

The Hon. R. S. ANDERSON observed that it would be better to postpone the further consideration of the Bill for a week than to proceed with it at present. At the same time, he could not concur in the statement made by Mr. Simson that the Bill had been imperfectly thought out. Honorable members did not seem to understand the position in which the Bill stood with reference to the council and the senate of the University. At a meeting of the council exception was taken to some of the phraseology used in the measure, and there was some other trifling question raised, but, the Bill as a whole having received the consent of that body, it ought to be treated with greater consideration than some honorable members seemed disposed to accord it. If further discussion on the subject was postponed until the following Tuesday, the House would then probably be in a position to go on with it.

The Hon. W. E. HEARN said that he was disappointed at the Bill having met with so little success, as it had been very carefully thought out. Its whole scope was simply to empower the University to govern itself. In almost all respects it aimed at carrying out the practice observed at the universities at home, and would not interfere with the Bill passed during the previous session except to supplement the changes which were then made by others which, up to a short time ago, were not deemed necessary. The present Bill was put forward as a liberal measure, and at the same time as one quite in harmony with its predecessor, and having for its object the introduction of the system pursued at English Universities. The members who supported the Bill were quite prepared to agree to a proposal to shorten the Vice-Chancellor’s term of office to three years if the majority of the House desired it. Honorable members appeared to be somewhat inconsistent in their criticisms of the Bill. They twitted its promoters with bringing in a measure too soon after the recently passed Act, and yet at the same time told them that they were not to take all the powers they now asked for, but that the latter would have to be obtained by means of a subsequent Bill. The measure was agreed to almost unanimously by the council and by a majority of the senate, almost the only point to which exception was taken being in reference to the question whether the Vice-Chancellor should be elected by the council or by the senate. It should be remembered that the senate was a body composed of a large number of gentlemen who were not in the habit of meeting together frequently, and if the House waited until they formed a unanimous opinion in favour of a Bill it would wait for a long time. Considering the character of the council, he thought a sufficient consensus of opinion had been obtained in reference to the measure. The Bill was intended to strengthen the hands of the University senate, and the only difficulty was that the senate asked for something more than it was considered wise under the circumstances to give them. He admitted that at present it was not possible to pass the Bill into law, and, that being the case, the University must be left to transact its business as it best could with the means at its disposal, though that would certainly not be so well as it could be if the present Bill was passed. As the committee appeared to be of opinion that the measure should
not pass at the present time, it would be better to report progress.

The motion was agreed to, and progress was reported.

RAILWAY CONSTRUCTION BILL.

The Hon. F. S. DOBSON moved that the House, at its rising, adjourn until the following Thursday. His reason for asking honorable members to meet on that day was in order that the Railway Construction Bill, which would probably be passed by that time in the other Chamber, might be received, and read a first time, so that the second reading might be taken on the following Tuesday.

The motion was agreed to.

The House adjourned at twenty-five minutes to six o'clock, until Thursday, October 19.

LEGISLATIVE ASSEMBLY.

Tuesday, October 17, 1882.


The Speaker took the chair at half-past four o'clock p.m.

WATER CONSERVATION.

Mr. DOW (who, to put himself in order, moved the adjournment of the House) observed that he desired to bring a matter of the most urgent importance under the notice of the Minister of Water Supply and the Government. He had just concluded a tour in the country, and he could inform the Minister that the colony was on the eve of a water famine, compared with which the water famine of last year was inconsiderable.

He would also draw attention to the fact that the system that was intended to meet the requirements of the up-country districts with regard to the supply of water was quite inoperative. It was found everywhere that the system had quite broken down, and he had no hesitation in saying that, unless the Government awoke to the urgent necessity that existed for steps being taken to supply the country districts with water, the results would be far more disastrous than those of the water famine of last year. He did not wish to find fault with the Government for anything that had been done in the past, but he wished to sound a note of warning for the future. Unless the Government took in hand themselves the provision of the waterworks which were needed, independent of the circumlocution which was required under the present inoperative system, upon the Government would rest the responsibility of the great calamity which was now pending over the country.

Any one who had taken over the country with him, as he (Mr. Dow) had done, the admirable scheme of Messrs. Gordon and Black, and examined the plans proposed by those gentlemen, with the advantage of seeing the country at the same time, must be convinced that, in the proposals of Messrs. Gordon and Black, the Government had a scheme ready to their hand to be put into operation. And what was the amount of money required? These gentlemen had not only pointed out what was best to be done, but had given working plans and estimates of cost, and the carrying out of the whole scheme, including the Goulburn, Campaspe, Loddon, Lower Avoca, Wimmera, and Broken Creek works, would only involve a total expenditure of £240,000.

Why should not the Government take the matter in hand, and invite tenders for carrying out these works just in the same way as they did for the construction of railways? Night after night the House had been devoting its whole attention to authorizing the construction of railways, but, although railways were a good thing, unless they were preceded in the dry districts by an intelligent system of water conservation, there would be no people to provide traffic when the railways were made. Railways were important, but it was still more important that Messrs. Gordon and Black's scheme of water conservation should be carried out at once, particularly as the whole thing would only cost £240,000 or £250,000. (Mr. Mirams—"In addition to the £100,000 already granted?") No; including that sum. Some honorable members might twit those who advocated such a "free gift" of money, as it was called, to the country districts, but the expenditure would be inconsiderable when contrasted with what had been spent on public buildings in Melbourne which could not compare in importance, desirable as
they might be, with the provision of an adequate water supply to the dry districts of the colony. Even though the expenditure might improve the property of private landowners, still it would carry with it such grand results of a national character as could not be obtained from a similar expenditure in any other direction. (Mr. Mirams—"Why don't the people concerned expend the money themselves if it will bring about those results?") The necessity for the Government at once taking action in the matter lay in the fact that, unless there was rain within the next three or four days, there would be a failure in the harvest worse than that of last year. Last year there was some slight soaking of the sub-soil from previous rains, although undoubtedly the water famine was very severe; but this year the rain had simply caused a superficial soaking of the soil, which for a time gave every prospect of an abundant harvest; but within the last fortnight or three weeks the dry weather had sucked up all the superficial moisture, and the crops, as the farmers said, were "growing back into the ground." There was no water in the water-holes or tanks, and there was no prospect of a heavy fall of rain, yet unless there was such a fall the consequences would be disastrous.

At the same time the rivers—the Avoca, the Loddon, the Wimmera, and the Campaspe—were flowing bank high, carrying down immense quantities of water, simply to be wasted in the arid portions of the mallee desert. To utilize these waters, what was required was simply to adopt the idea of the old squatters, and to run the water into ana branches, so that it would permeate the country in every direction. The weirs which were laid down on the plans of Messrs. Gordon and Black would accomplish this object, yet, although the Government had had the matter in hand for eighteen months, nothing had been done. As he had said, the Water Conservation Act, for which the Government had taken credit, was completely inoperative, and what was urgently wanted was for the Government, by the expenditure of the inconsiderable sum he had mentioned, to let the water out from the main streams into the creeks which communicated with them, and thus to cause it to permeate the dry lands in all directions. His excuse for moving the adjournment of the House was the imperative necessity which existed for some steps being taken in the matter, and his desire to wake the Government up to the importance of the present condition of affairs, so that they might take the course of inviting tenders for the construction of the works required.

Mr. LONGMORE (who seconded the motion) remarked that there was an absolute necessity for something being done in the matter brought forward by the honorable member for Karagi. While the House had been battling with the local bodies, who had a direct interest in keeping back these water-works, the people had been fading off the land. There was not the slightest doubt that any quantity of land on which selectors had paid 12s. or 15s. an acre in rent, and spent £1 an acre in improvements, could now be had for 20s. an acre, simply because the people on it had been utterly ruined, by having been driven back to select in the arid portion of the colony, where for the last seven years there had not been one soaking rain. It was a most lamentable state of things that those who had undertaken what he might term the heroic work of colonization had been so disastrously unfortunate. He did not think there was any sight more pitiable than the present state of those selectors and their families who had been utterly ruined principally from the want of water. The calamitous results which had been brought about by the Assembly confining itself to mere quarrelling were perfectly appalling. Whole regions had been going into the hands of large proprietors, because it was impossible for selectors to live without the prime necessity, water. The House had talked a great deal about conserving water, but while it had been talking the people had been dying off the land. Nearly all the good well-watered lands of the colony were now in large estates. (Mr. Anderson—"No.") There were small portions of land in the honorable member's district in the hands of the people, but let the honorable member go to Beaufort, to Ballarat, and thence to Hamilton, and he would hardly find a single small proprietor. Yet that country was the Eden of Victoria, both for water, grass, and everything else. What was the use of any honorable member saying that the people who wanted water ought to pay interest on the money expended? If they had no money, or credit, or crops, how were they to pay interest? If the Government would now take the matter absolutely out of the hands of the shire councils, and the House would pass a Bill to enable the Government to deal with the question equitably and fairly to those who were settled on the land, some good would be done, but while those water trusts were being fought over the people were gradually disappearing off the land. The honorable member for Mandurang (Mr.
McColl), for instance, mentioned a case the other day in which the proprietor of some land asked to be allowed to take up a lake which was perfectly dry and covered with grass at present, although when the selectors went to the district seven years ago there was 14 ft. of water in it. The question of water conservation required to be dealt with not in a paltry way, but in an energetic manner. It was twelve months since the Water Conservation Act was passed, but no good had been done to the country. What was wanted was instant relief for the people, to enable them to live in seasons when their crops were being withered by the hot sun, and there was no moisture in the earth. If some system of water conservation was not carried out which would enable the selectors to live in a year like the present, they would disappear in hundreds from the land. As the honorable member for Kara Kara had said, what would be the use even of water good had been done to the country. What to enable them to live in seasons when their crops were being withered by the hot sun, and there was no moisture in the earth. If some system of water conservation was not carried out which would enable the selectors to live in a year like the present, they would disappear in hundreds from the land. As the honorable member for Kara Kara had said, what would be the use even of water conservation when the people were all gone? What would be the use even of water conservation when the people were all gone? By every hour's delay in dealing with the question the House was simply working into the hands of the large landed proprietors.

Mr. C. YOUNG said that the honorable member who had brought forward this matter had taken the very best means he possibly could of stopping the exertions of the water trusts. The very fact of the honorable member saying that the Government should undertake the work of carrying out the schemes of Messrs. Gordon and Black, of which the honorable member had expressed such high approval, and nearly every one of which had been already taken in hand by a local water trust, was only calculated to paralyse the efforts of the trusts which were carrying out those works. Every one knew that there could be nothing so calculated to paralyse the efforts of local bodies as to try to indoctrinate them with the belief that by something political influence in the Assembly the Government would be got to step in and undertake the work which Parliament had allocated to the local bodies themselves. That the local bodies, as well as the honorable member, approved of the schemes of Messrs. Gordon and Black was shown by the fact that each of the schemes had been taken up; the local bodies had given a guarantee to the department of their intention to carry them out, and the work was now in the hands of the parties who were in the best position to perform it. The honorable member had stated that the Government should step in and construct the works in order to avoid the circumlocution and delay that were taking place, but he (Mr. Young) denied that there had been either circumlocution or unnecessary delay. Of course the notice provided by the Act had to be given in connexion with the gazetting of applications so that, as was right and proper, the interests of all parties might be protected, but even this delay had been bridged over. In every case when an application for the constitution of a trust was received he intimated that the month's delay provided by the Act need not prevent operations being proceeded with, but that work might be commenced the very next day, and that he would provide money in advance pending the actual constitution of the trust. In many cases that offer was accepted, and he had repeatedly made advances before water trusts were constituted, so that there should be no delay. The remark of the honorable member, therefore, about circumlocution was altogether unwarranted. In every single case the local bodies had complimented the department on the way in which their applications were dealt with, and on the fact that no delay was allowed to take place. Even while the honorable member was speaking, the honorable member for Mundurang (Mr. McColl) placed in his (Mr. Young's) hands the following letter:—

"Shire Hall, Rochester, 14th Oct., 1882.

"Sir,—The president of the shire (Mr. Timothy Murphy, J.P.) has instructed me to convey to you his thanks for the courteous and satisfactory telegram received from you on the day of the agricultural show at Rochester.

"The Gazette of yesterday containing the Order in Council constituting the Echuca and Waranga Water Trust is also to hand, and the publication has given the greatest satisfaction. Mr. Murphy and the other gentlemen interested themselves in the matter desiring cordially to acknowledge the prompt and business-like manner in which the application for this united trust has been dealt with by the department under your administration.—I have, &c.,

"J. W. PEMBERTON, Shire Sec.

"The Hon. C. Young, M.L.A., Minister of Water Supply, Melbourne."

That was only a sample of a number of similar communications which he had received, and yet, forsooth, the House and the country were asked to believe that there was delay and circumlocution, and that difficulties were thrown in the way of Messrs. Gordon and Black's schemes being carried out! The only delay that had occurred at all was due to the honorable member for Kara Kara and those who acted with him in preventing the Water Conservation Act being carried last year as soon as it might have been. That measure was introduced at
the beginning of the session, and might have been passed in a month, but, owing to the delay caused by the honorable member and his friends, the Bill did not receive the Royal assent until Christmas eve. Consequently, the water trusts were prevented from starting work as early as they might have done, but for the responsibility of that delay the honorable member must look at home. He (Mr. Young) was, of course, aware that it was a very popular thing to propose that the Government should take the burden of carrying out these works off the shoulders of the local bodies. He had no hesitation in saying that a suggestion of a similar character, which was made in the House the previous session, had the effect of preventing, for a considerable time, some of Messrs. Gordon and Black's schemes being adopted by the local bodies. He was personally aware that some of the local bodies hung back, believing that political influence would be brought to bear which would force the Government to undertake the work. He ventured to say, however, that any honorable member who looked at the matter in a calm and unprejudiced way must see that it would be preposterous for the Government to construct the works even if the scheme was now being propounded for the first time, but when it was considered that the provisions of the Water Conservation Act had been already taken advantage of by the local bodies, and that almost every week payments were being made to trusts on account of works that were being constructed, he could not understand such a proposition being put forward. A large amount of work was already under contract—he was not in a position to say how much, as this matter had been brought forward without notice; but speaking generally he could state that the water trusts were proceeding with the carrying out of the work committed to them. Again, instead of the sum of £240,000 being sufficient, as had been stated by the honorable member for Kara Kara, to carry out the various schemes, he might say that applications had been already granted involving an expenditure of over £400,000. The local bodies had adopted Messrs. Gordon and Black's scheme in every case, and in some instances they had even proposed to carry out larger and more important works than Messrs. Gordon and Black suggested. He admitted that a great deal of what the honorable member for Kara Kara had said as to the state of the country was true. From the want of the necessary rainfall the crops were in many cases hopelessly gone, and no amount of rain now would cause them to recover, except in the case of some of the late crops. No doubt, in many cases, selectors had unfortunately taken up land which was unfit for cultivation, in the sense that there was not a sufficient rainfall for the crops. There was a dry belt of country to the west of the Terricks, the rainfall in which was quite inadequate for agriculture, and in such districts he did not think anything could be done which would keep the selectors on the land. Where the rainfall was insufficient, he doubted very much if any artificial means would make up for the deficiency. He would repeat that the Government had done everything they possibly could in the matter. Realizing the extent of the misfortunes of the selectors last year in losing their crops, the Government asked the House for a grant of £100,000 to be given to the local bodies in connexion with the carrying out of the schemes of water supply, the effect of the grant being practically to reduce the amount of interest which the local bodies would have to pay. This money had not yet been allocated, but every local body had adopted Messrs. Gordon and Black's scheme in their locality on the faith of their getting a share of the grant. No allocation had been made, because the money was not, in fact, required, but it was intended to allocate the amount, when all the applications had been dealt with, in some proportion to the sum borrowed by each water trust. He repeated that there had been no stoppage or delay, so far as the local bodies obtaining money was concerned; money had been available from the first, and he had done all he could both to urge on the formation of water trusts, and to facilitate their operations. He deprecated very much the effect which the remarks of the honorable member for Kara Kara were calculated to have upon the local bodies, by paralyzing their exertions, and leading them to fall back upon the Government to do work which the Government could not do half so well or economically as the local bodies themselves.

Mr. PEARSON observed that the Minister of Water Supply, in asserting that it was the fault of the Opposition that the Water Conservation Act was not passed at a much earlier date last session than was actually the case, had brought a charge which was perfectly unwarranted. What were the facts? After the usual formalities required in connexion with a Bill containing a grant of money the Bill itself was actually introduced by the Government on the 4th October, and by the 20th October the Assembly had passed the
second reading and got as far as the consider-
ation of the 36th clause. There was no reason
why the Bill could not have been finished
in two days further, but at that particular
moment the Government thought fit to
bring forward the Royal Commission on the
Education Act, and, of course, immediately
that matter was introduced, everything else
was forgotten. Two of the most prominent
supporters of the Government appealed to
the Opposition to support them in resisting
that encroachment on the Education Act,
and the result was a debate which lasted
two or three weeks. Even after that the
Government displayed no particular activity
with regard to the Water Conservation Bill,
occasionally setting it aside for other
measures, and it was not passed by the As-
ssembly until the 30th November. But was
it pushed even then? On the contrary, it
was not finally dealt with until the very last
day of the session, so that whatever delay
occurred undoubtedly lay at the door of the
Government. Again, what had been the
case this session? The Government had
announced another measure to amend the
Water Conservation Act. They had found
that it was necessary to alter the original
Act in accordance with the suggestions
made to them by the Opposition. (Mr. C.
Young—"Nothing of the kind.") He under-
stood that, as was suggested by the honor-
able member for Creswick (Mr. Richardson)
and he thought also by the honorable mem-
ber for Geelong (Mr. Berry), the Govern-
ment intended to propose an amendment of
the original measure by which the main
waterworks would be kept in the hands
of the State. (Mr. C. Young—"No.")
In that case the country would be disap-
pointed enormously, because it had been
understood that such a proposal was in-
tended. The consideration of that impor-
tant measure, however, had been delayed
when it should have been submitted to the
House early in the session in order that it
might be dealt with, while at the same time
the Opposition were unfairly charged with
obstructing grants for water supply simply
because they wanted to know on what prin-
ciple the water conservation of the country
was to be carried out. He would call upon
the Government as soon as they got rid of the
Railway Bill, to devote two or three nights
to the discussion of the Water Conservation
Act Amendment Bill, which, as there were
only one or two principles involved, need not
take long to dispose of. The breaking down
of the existing Act was due to the fact that,
when it was passed, the Opposition were so
anxious to support the Government in the
matter that the criticisms of individual mem-
ers were not listened to, and the result was
that the measure left too much to the local
bodies. Two things militated against the
success of the Act. In the first place, there
were districts in which it was not to the in-
terests of the large landowners to construct
the proposed works, and, on the other hand,
there were districts where the people were too
impoverished to do the work themselves,
and where it must be done by the Govern-
ment if it was to be done at all. Members
for various constituencies were being con-
tantly urged to represent the latter point
to the House, and the Government would
have to grapple with it.

Mr. McCOLL remarked that for weeks
and months past he had felt like the people of
Brussels, who, in the midst of the dance,
when the roar of the guns met their ears,
cried out, with pale faces—"The foe! they
come, they come!" After indulging in miserable party strife to put one set of men
out of office and another set into office, honor-
able members had at length become con-
scious of the fact that the foe, in the shape
of a dreadful drought, was at the door. He
had just come from the Plains, and he could
give a statement of what he had seen there
which would make the faces of honorable
members blush with shame for the conduct
they had been guilty of during the past
three years in preventing the conservation
of the water which was being allowed to run
to waste down every river in the colony. He
had great pleasure in handing to the Min-
ister of Water Supply the letter which that
honorable gentleman read from the secretary
of the Echuca shire, because the Echuca
and Waranga Water Trust were carrying
out their works on the very lines laid down
by his (Mr. McColl’s) co-workers
and himself years ago, and in accordance with
the survey which was made in pursuance
of the vote of £500 which he (Mr. McColl)
obtained in the House last year. The
House ought to know that the action of
every other water trust that had been formed
would be entirely valueless to keep on the
Plains a single human being who intended
to live by agriculture. Unless the action of
the trusts was reviewed, it would be a com-
plete failure, and the trusts themselves would
be miserable abortions. The trusts were
quarrelling amongst themselves. The mem-
ers of even the very trust which had been
boastfully spoken of by the honorable mem-
ber for the Avoca (Mr. Langdon), and again
and again alluded to with approbation by

Mr. Pearson.
the Minister of Water Supply, namely, the Loddon Trust, were quarrelling amongst themselves. (Mr. Langdon—"No; they intend spending £2,000 or £3,000 in the construction of a weir.") Instead of constructing permanent works, they had resolved, owing to the squabbles amongst themselves, to put down 300 or 400 bags filled with sand, in order to carry the waters of the Loddon down to Lake Boort. But for their bungling and squabbling, water might easily have been conveyed into Lake Boort some time ago, when the Loddon was flowing two miles wide at Durham Ox. They had now determined to fall back upon a miserable apology for water supply works, consisting of a few sand-bags, which might be swept away by six hours' rain. The intention of every water trust that was carrying out Messrs. Gordon and Black's proposals was simply to supply water for domestic purposes and for stock; but he was glad to say that the shire councils of Waranga and Echuca had risen to the requirements of the occasion. The plans of Messrs. Gordon and Black were admirable for supplying water for domestic uses and for stock; to that extent they could not be improved. They contemplated supplying about 5,000,000 gallons of water per day; but the Waranga and Echuca Trust were not contented to carry out Messrs. Gordon and Black's small scheme. Instead of supplying merely 5,000,000 gallons of water per day, they proposed to undertake works which would furnish 20,000,000 gallons per day, 5,000,000 gallons of which were to be for domestic purposes and for stock, and 15,000,000 gallons for irrigating the surface of the land. The scheme of Hugh McColl would thus be carried out in its entirety, and the country would be saved, as far as Rodney and Mandurang were concerned. He hoped that the Government would bestir themselves in the matter of water conservation. He would impress upon them that the great source to look to for water supply to the Plains was the Goulburn; and the works on the Goulburn should be of such a character as to convey the water right through the Plains to Lake Hindmarsh, and even to the South Australian border. He would appeal to the Minister of Water Supply not to consent to the erection of the proposed weir across the Goulburn, but to ask the Waranga and Echuca Water Trust to call for competitive designs, so that the best plan would be carried out and a sufficient quantity of water gathered to supply the wants of the whole district from the Goulburn to Lake Hindmarsh.

His heart had been made sad by the scenes he had witnessed on the Plains since the House last met; but, fortunately, the cloud was not without a silver lining. At Cohuna his friend Mr. Garden had applied a system of irrigation to 2,000 acres of land; what was the result? On some of Mr. Garden's land there was green wheat five feet high, whereas about two chains distant, on other land of precisely similar quality, which was sown with seed at the same time, but was not irrigated, there was not a blade of wheat to be seen. The hot sun in the day and the frost at night had completely destroyed vegetation in that part of the country on lands which were not irrigated, but Mr. Garden had magnificent crops. If there was a general system of irrigation on the Plains, that part of the country would become the feeding ground for store stock from Riverina and the great centre for carrying on the frozen meat process. In fact, by making proper use of the water which during certain portions of the year was allowed to run to waste, Victoria would be what it ought to be—the chief of the Australian colonies.

Sir B. O'LOGHLEN said he gave every credit to the honorable member for Mandurang (Mr. McColl) and the honorable member for Kara Kara for their earnestness in the matter of water conservation. He was aware that the particular districts they referred to—the Plains—were in a very unsatisfactory state at the present time, and that, unless within a few days there was a heavy fall of rain, the settlers would suffer as severely as they did last year. But no effort that could be made by the Government or by the water trusts could avert the catastrophe; only a bountiful rain sent by Providence could save the crops in those districts. The Government had all along endeavoured to promote local action for conserving water, and, at the commencement of the present session, they induced the House to make a free grant of £100,000 to assist the trusts to carry out the principal works. (Mr. McColl—"Nothing has been done.") A great deal had been done. Water trusts had been constituted, contracts had been let, and works were now going on. As one instance of what had been done, he might refer to the result of the action taken not alone by the present Government, but also by two preceding Governments in connexion with the Broken Creek. Some weeks ago, the water of the Broken River was diverted into the Broken Creek; and it was now flowing 90 miles to the Murray. Notwithstanding that threats of legal
proceedings were held in terr01'em over them, the Government persevered in their endeavours to supply water to the residents along the creek. Again, in the Serpentine Creek the water was running a distance of 60 miles, and the selectors in the vicinity had a fair supply. The local trust had also let a contract for cutting a channel in order that the water might run into the Serpentine Creek in a more "easy and accessible manner." The same trust had likewise let a contract for making a weir at Kinypaniel. As to the sand-bags referred to by the honorable member for Mandurang, they were merely a temporary expedient to divert the waters of the Loddon from the ground necessary to be used for the purpose of erecting a dam. The Government had done everything in their power, and were most anxious that the water trusts should use the greatest urgency in pushing on with the works. Every facility was offered to them, and the officers of the Water Supply department scrutinized most carefully the plans of each undertaking, in order that the works should be permanent and substantial.

As the debate on the motion for adjournment could come to nothing, he would suggest that it should now be closed, in order that the business on the notice-paper might be proceeded with.

Mr. R. CLARK observed that the honorable member for Castlemaine (Mr. Pearson) was not justified in claiming for the Opposition the credit of having induced the Government to give assistance towards carrying out the head works of the water conservation scheme. The honorable member for Rodney (Mr. Gillies), during the debate on the second reading of the Bill which became the Water Conservation Act, was the first to direct the attention of the Government to the necessity of providing for the cost of the principal weirs, and his suggestion was supported by the honorable member for Belfast and by several other members sitting in the Ministerial corner. The honorable member for Mandurang (Mr. McColl) had in no way exaggerated the condition of the farmers on the Northern Plains. Last season their sufferings were bad enough, but they would be much worse during the coming season. He had that morning received telegrams from Durham Ox, Rochester, and Mount Hope, intimating that the crops were becoming absolute failures. It was a dreadful state of things, and honorable members, no matter on which side of the House they sat, should realize the importance of getting water supplied to those arid districts.

It was true that the Government were now waking up to the seriousness of the occasion, but, if they had accepted the suggestions of honorable members last session, the farmers in the localities in question would now have had a supply of water. The Government, however, turned a deaf ear to the representations made to them by honorable members whose knowledge and experience on the subject entitled their views to consideration. He hoped that the Government would assist the water trusts to construct the weirs as expeditiously as possible. If they asked for £100,000 or £150,000 more for this purpose, he was sure that the House would willingly vote the money. (Mr. C. Young—"Ample money has been provided.") Not half enough money had been provided. The northern and western territories had been neglected, and the selectors were leaving by scores. Instead of having a fine yeomanry settled on the land in those districts, if water was not furnished the land would very soon become aggregated into large estates. He trusted that the Minister of Water Supply would not set up his back against the friendly suggestions made by honorable members, but would endeavour to give effect to them as far as possible.

Mr. DEAKIN remarked that the Government, having refused to adopt the suggestion of the honorable member for Kara to undertake the construction of certain water conservation works, ought at once to invite the House to deal with the Water Conservation Act Amendment Bill. He (Mr. Deakin) had received a letter from the Bacchus Marsh Shire Council, requesting him to urge the Premier to proceed with the measure without further delay, so that it might become law before the end of the session. It was very desirable that the measure should be passed, in order to relieve the necessities of Bacchus Marsh and other shires, which were almost on the verge of ruin in consequence of the want of rain. (Mr. C. Young—"The Bacchus Marsh scheme is for irrigation.") That might be the case, but still it was important that the amending Bill should be passed. He believed that it would not give rise to much discussion, and that if the Government would only proceed with it the measure could very speedily be passed into law.

Mr. PATTERSON said he regretted that the important question of water conservation never received proper consideration because of the enormous amount of nonsense that was usually talked about it when it was discussed. If there was any delay
or loss of time in the carrying out of water conservation works, it was attributable to those honorable members who were continually bringing forward anything but practical notions. It was impossible to accomplish what some honorable members wanted. What was the use of now saying that on the Plains there was going to be a bad harvest? No scheme would prevent that. The most that any Government had attempted was the conservation of water; but the conservation of water and the irrigation of the Plains were two altogether different things. If the question of irrigating the lands of the colony was ever dealt with, it would have to be dealt with in pretty much the same spirit as the great Railway Construction Bill was taken up, and not in the fashion in which water conservation had been legislated for. It was a farce to hear the honorable member for Mandurang (Mr. McColl) one day denouncing Messrs. Gordon and Black's schemes of water supply as useless, and the next day praising them; or one day calling for three cheers for the Minister of Water Supply, and another day condemning him in the House. No question was of so much importance as that of water conservation, but it would have to be taken up by the people themselves in a proper spirit, as was contemplated by the Act already passed. In his opinion, the Legislature went beyond what it ought to have done when it made a free grant in aid of local water conservation works. The object of the Act was to induce a spirit of self-action on the part of the local bodies. At any rate, it was no use honorable members howling in the House about a deficient water supply. That would never bring water. It was the duty of the residents in the various localities to organize water trusts in order to construct water conservation works with the aid of the money which the Government were authorized to advance to them for that purpose by way of loan; but if honorable members persistently urged that the Government should do everything, there would be lassitude on the part of the local bodies. There was also, as he had already said, a great distinction between water conservation and irrigation. There had been plenty of warning in the past. The men who had settled on the Plains must always expect dry seasons. In that part of the country dry seasons were the rule, and the contrary the exception. The honorable member for Mandurang had done much to delay practical action in the matter of water conservation, by bringing forward his “fads.” It was to be hoped that in future only practical suggestions would be brought forward, and that, while the Government assisted the local bodies as provided by the Act, the latter would be left to do the work which they understood much better than the Government. By setting about the matter in that way, much more would be accomplished than by talking “hifalutin” nonsense about what was being done in other countries.

Mr. NIMMO stated that, while listening to the discussion, he had asked himself this question—“Will not the provisions of the Water Conservation Act meet the exigencies of the case?” In his opinion they would. He thought that the Government had done all that could be done by them under the circumstances, and that the construction of the water conservation works had far better be left to the local bodies. He had good ground for making this remark, for Mr. John Neville, C.E., one of the best authorities on hydraulic works, expressed the following views as to the desirability of such works being carried out by local bodies rather than by the Government:

“The system of executing works solely by or under the staff of the Government in Ireland, to the cost of which districts or individuals contribute, has not been successful, and has not given satisfaction. When the Treasury is solicited to lend, or to contribute for State purposes, the control exercised by the Board of Public Works and its engineers, with reference to the plans, estimates, and specifications submitted, is of much value; but the sooner the system adopted for drainage works since 1853 is generally carried out, and persons to be taxed for the Shannon, or for piers, harbours, and other works, are also permitted to have a voice in the engineering plans, and fair control over their execution, the better for the State and for all parties immediately interested.”

It was an old saying that “Providence helps those who help themselves,” and he thought it was the imperative duty of the local bodies to take advantage of the facilities afforded them by the existing Act to carry out water conservation works. He was afraid, however, that the remarks of the honorable member for Kara Kara would have a tendency to cool the zeal of the local bodies, and promote amongst them an undesirable spirit of dependence. He thought that the Government ought to adhere to the policy embodied in the Act, but by no means to interfere with the execution of the works proposed by the local bodies.

Mr. GARDINER considered that the depreciatory remarks of the honorable member for Castlemaine (Mr. Patterson) with reference to the honorable member for Mandurang (Mr. McColl) were most unjust. The promotion of water conservation would...
in future be as much associated with the name of McColl as the abolition of slavery was with that of Wilberforce. The statements of the honorable member for Castlemaine would certainly do him no good with honorable members on the opposition side of the House. Honorable members rejoiced when "peace, progress, and prosperity" prevailed, and when the prosperity of the colony was likely to fade away they ought to endeavour to prevent such a catastrophe. No one had done so much good in regard to water supply as the honorable member for Mandurang, and it was to be hoped that he would not in any way be deterred by the honorable member for Castlemaine, but that he would persevere with his efforts, in season and out of season, until he accomplished all that he desired. A few hours spent in urging upon the Government the necessity for attending to the requirements of the settlers in the northern areas of the colony could certainly not be considered time wasted.

The motion for the adjournment of the House was put and negatived.

WARRENHEIP AND GORDONS RAILWAY.

Mr. BROPHY asked the Minister of Railways when tenders would be invited for the erection of goods-sheds on the Warrenheip and Gordons Railway?

Mr. BENT said tenders would be called for in about three weeks.

PLEURO-PNEUMONIA.

Mr. DEAKIN asked the Minister of Agriculture if he would request the Superintendent of the City Abattoirs and the Chief Inspector of Stock to furnish reports as to the number of cattle afflicted with pleuro-pneumonia that had been dealt with during the past three months?

Mr. C. YOUNG said he would take steps to procure reports on the subject.

PETITIONS.

Petitions were presented by Mr. R. CLARK, from a public meeting of the inhabitants of Sandhurst, in favour of the construction of a railway from Sandhurst to Heathcote; and by Mr. WILLIAMS, from farmers and graziers at Durham Ox and the surrounding district, against the abolition of the stock tax.

PUBLIC INSTRUCTION.

Rifle Competition.

Mr. MASON asked the Chief Secretary the following questions:—

"1. If it is true that he has given authority for rifle competition between the pupils of State schools?
"2. Has he been furnished with any report on the subject, by the Rifle Association?
"3. What is the nature of such report?
"4. Are pupils to use the ordinary Martini-Henry rifle, or small carbinies?
"5. Does he intend making provision for rifle practice amongst pupils attending country State schools?
"6. What is the value of the prizes to be competed for?
"7. What will be the probable cost of the competition, including prizes?"

He said he put these questions with two ideas in his mind—first, that there would be danger in rifle practice among boys too young for the purpose; and, secondly, that in the end it would be found that the proposed rifle competitions could only be held in town schools, which would leave the country ones so far neglected in the matter.

Mr. GRANT, in reply, read the following memorandum:

"1. Authority has been given for State school teams to compete at the Schools' Matches of the Victorian Rifle Association during the week ending 25th November, 1882.
"2. No report has been received from the Colonel-Commandant, or from the volunteer officers who are employed by the Education department, but before definite arrangements were made in connexion with the forthcoming matches, the department consulted the Colonel-Commandant, a number of the officers referred to above, and also the council of the Victorian Rifle Association. The military authorities, and also the association, promised to render all possible assistance in carrying out the necessary arrangements.
"3. The maximum age at which pupils will be allowed to compete at the Open Schools' Match is 16 years. The teachers will determine as to the minimum age of the competitors presented by them.
"4. Competitors will use the Martini-Henry rifles, which are held to be more suitable than the small carbinies.
"5. Should country teams apply for permission to compete at the matches, the arrangements as far as possible will be made applicable to them.
"6. Twenty prizes will be competed for of the total value of £66. Of this sum the Victorian Rifle Association will contribute £40.
"7. The cost to the department in connexion with the prizes will be £26. The maximum allowance for expenses of the preliminary practices, including railway fares, ammunitio, &c., will be £10 for the first team from any school, and £5 for a second team."

RAILWAY DEPARTMENT.

THE WESTERN PORTS.

Sir J. O'SHANASSY asked the Minister of Railways the nature of the arrangements made by him in reference to the rates of charges for the carriage of goods between Hamilton and Portland, and vice versâ.
Railway Department. [OCTOBER 17.] The Western Ports. 2099

and also the terms entered into by him with one of the steam companies trading between Melbourne and Portland, as to their reduction of freight from Melbourne to Portland, and from Portland to Melbourne? He said he was informed that the arrangements referred to in his question arose from circumstances which he would proceed to explain. Some time since, a new steam-boat company started a steamer named the Casino, to run between Melbourne and Belfast, and the consequence was that goods were carried on that route cheaper than they were carried from Melbourne to any other western port. In fact, owing to the Government having expended some £30,000 or £40,000 in opening up the upper Moyne to navigation, trade to Belfast was so encouraged that freight from Melbourne to that port was reduced to 7s. 6d. per ton; and, in the end, some of the small Belfast farmers finding themselves able at certain periods of the year to cart loading to Hamilton for £1 a ton, goods were carried from Melbourne to Hamilton via Belfast for £1 7s. 6d. a ton, a price so far below the ordinary rates that a considerable share of trade began to flow back to Belfast through the old and natural channels. Matters standing thus, one of the two steam-boat companies trading between Melbourne and Portland called the attention of the Government to what was going on, and asked them to lower the railway rates of carriage between Hamilton and Portland. Of course, that step was prompted by jealousy of the success of the new Belfast enterprise. Eventually the Government not only reduced the rates between Portland and Hamilton by some 20 per cent., but also made a reduction in the rates between Hamilton and Geelong, a proceeding calculated to divert the Hamilton trade from Portland altogether. The strangest part of the whole affair was, however, the way in which the first-mentioned reduction was made to operate. It was applied to only the goods brought to Portland by one of the local steam-boat companies, those brought by the other company being subject to the old rates. Surely that was an extraordinary if not an absurd arrangement. Unquestionably sudden and partial changes of this character were bound to greatly discourage private enterprise. He wished to know if the new system would be persevered in?

Mr. BENT, in reply, read the following memorandum from the Traffic Manager:—

The steam-boat companies trading to Portland finding that a Belfast company, by means of unusually low freights, and an agreement with teamsters to cart between Belfast and Hamilton, was diverting the trade of the Hamilton district from Portland to Belfast, made overtures to this department for a reduction in rates, as a means of adjusting the trade. The department agreed to do so on condition that the steamers lowered their rates in a corresponding manner, as it was only just that each party to the agreement should bear a proportion of the loss. After some correspondence, a distinct proposition was made by the department to both the companies trading to Portland, which the Western Steam Navigation Company at once accepted, and the Portland and Belfast Steam Navigation Company declined. The department had, therefore, no alternative but either to accept the offer made, or to lose the traffic between Portland and Hamilton, which was being diverted from its legitimate channel in consequence of abnormally low rates by the Belfast route. It will be seen that both the companies were treated in precisely the same manner, and that the whole action of the department was in favour of Portland, the interests of both being identical.

"As regards wool prior to the reduction, the rates were as follow:—

- Hamilton to Melbourne, 8s. per bale.
- Portland to Portland, 2s. 8d. per bale.
- D. to Portland, 2s. 6d. per bale.

"These rates were all calculated on the same basis, which is set out in the wool rates for the current season. To prevent the wool from the Hamilton district being carted to Belfast, and sent thence by steamer, this department agreed to reduce to 2s. from Hamilton to Portland if the steamers would take 6d. off their rate. At the same time a reduction of 2s. per bale was made on wool by rail from Hamilton to Melbourne or Geelong. It will be seen that in each instance the reduction is about one-fourth, and I fail to see where an injustice has been done to any one by the alterations.

"No undue preference has been given to either route."

Sir J. O'SHANASSY said he wanted to know what the Railway department intended to do in the future?

Mr. BENT said he thought he left no doubt on that point. He was not going to let any steam-boat company gain an advantage over the Railway department if he could help it. It was the duty of the department to get all the traffic it could obtain with fairness, and he could assure the honorable member for Belfast that it would not shirk the obligations that lay upon it.

Sir J. O'SHANASSY inquired if the department regarded it as fair to extend to the goods carried by one steam-boat company a favour which was not extended to the goods carried by another steam-boat company?

Mr. BENT observed that the honorable member did not appear to have gathered the exact nature of the arrangement made. The goods brought by the Western Steam Navigation Company were carried by rail on certain terms, because they were brought to Portland on certain terms. The affair was simply a mutual bargain between the Government and the company. The other company—the Portland and Belfast Steam
_MESSAGE_

Navigation Company—had the same offer made to them, but they refused to accept it. It was, however, still open to them to come into the arrangement whenever they chose to do so.

ORDER OF BUSINESS.

Mr. FRANCIS asked the Premier to state when the Government would go on with the Bill to appropriate the portion of the £4,000,000 loan intended for harbour improvements in the western ports? The Government would easily understand that the representatives of those ports were subjected to a very severe pressure from their constituents on this subject.

Sir B. O'LOGHLEN said he was quite aware of the pressure alluded to, and also of that brought to bear upon the representatives of North and South Gippsland with respect to the portion of the loan to go to harbour improvements in their districts. The Bill in question was one of those which the Government hoped to be able to pass this session, but it must wait until the Land Bill had been dealt with. There were three Bills which the Government thought must necessarily be passed before Parliament could be prorogued, namely, the Land Bill, the Loans Redemption Bill, and the Loan Application Bill, the latter being one of the three the honorable member for Warrnambool referred to. All of these measures were of pre-eminent importance, the Land Bill standing first in order. It would be remembered that when the Railway Bill was introduced the Government wanted it and the Land Bill dealt with pari passu, but the House would not agree to the arrangement. He (Sir B. O'Loghlen) would ask honorable members to put the Railway Bill out of the House that night.

EMPLOYÉS IN SHOPS COMMISSION.

Mr. MASON asked the Attorney-General if the Royal commission on early closing had yet furnished its final report; and whether he purposed introducing, during the present session, any measure of legislation on the question of early closing?

Sir B. O'LOGHLEN remarked that he was not aware that the commission had as yet sent in a final report. However, supposing they brought up such a report at an early date, there was not much chance of the Government being able to deal with it during the present session further than introducing a Bill on the subject.

Major SMITH stated that the whole responsibility in the matter rested with the Government. The commission, after taking a great deal of evidence, were ready to draw up their final report, but they found that, owing to the extremely limited nature of their powers, they could not make the recommendations they wished to make. They had already brought this aspect of the case before the House in a progress report. If their powers were enlarged they would bring up their final report at once, and satisfactory legislation would doubtless ensue.

Sir B. O'LOGHLEN remarked that he had already called the attention of the last speaker to the circumstance that the Government could not in fairness give the commission the powers they asked for, unless they would undertake to re-open the case remitted to them, and call for further evidence with respect to it from all the parties interested.

Major SMITH expressed the opinion that taking the additional evidence need not occupy a fortnight.

The subject then dropped.

LANDS DEPARTMENT.

Mr. FISHER asked the Minister of Lands to consider the claims of J. G. Miller, one of the parties concerned in the alleged dummying cases recently tried by a Royal commission at Echuca. The commission recommended that Miller should lose his licence, but get a valuation for his improvements, whereas the Minister decided that his improvements should be forfeited. It was strange to find the Minister going further than the commission recommended.

Mr. W. Madden said he did not arrive at his conclusion on the cases referred to until he had given them the most careful consideration, and he had no intention whatever of reversing any of his decisions on the subject.

GEELONG WATER SUPPLY.

Major SMITH (in the absence of Mr. Berry) asked the Minister of Public Works if he would make provision on the Additional Estimates for the construction of the works recommended in the report of Mr. Lutz to increase the Geelong water supply?

Mr. C. Young replied that the steps necessary to carry out the recommendations in Mr. Lutz's report were now being taken. Mr. Lutz was engaged in setting out a permanent survey of the new works, and tenders were invited for a portion of the pipes required. Two of the members for Geelong
(Mr. Cunningham and Mr. Connor) were with him (Mr. Young) that day going into the whole matter.

FACTORY ACT.
Mr. ZOX asked the Chief Secretary when it was his intention to introduce a Bill to amend the Factory Act?
Mr. GRANT said such a Bill could not be introduced until the business before Parliament was in a more advanced state.

DIAMOND DRILLS.
Mr. BURROWES, in compliance with an order of the House (dated October 11), presented a return as to the number of diamond drills and the work done by them.

WOODS' RAILWAY BRAKE.
Mr. BENT, pursuant to order of the House (dated August 16), laid on the table a return relating to Woods' continuous brake.

INDUSTRIAL SCHOOLS.
Mr. ZOX moved—
"That there be laid before this House a copy of the correspondence between the Chief Secretary's department and the committee of the Immigrants' Home, in reference to the transfer to that body of the Industrial School children and the buildings in the Royal-park."
Mr. FRANCIS seconded the motion, which was agreed to.

RAILWAY CONSTRUCTION BILL.
The consideration of the amendments made in committee in this Bill was resumed.
Discussion (adjourned from Thursday, October 12) was continued on Mr. Wheeler's proposal to amend the 12th sub-section (Creswick and Daylesford Railway) of clause 3, by substituting "at or near the Daylesford railway station" for "in the parish of Spring Hill" as the terminal point of the line.

Mr. WILLIAMS remarked that when this debate was adjourned its tone was rather warm, but it was not his intention to resume it in a similar spirit. He would not even reply to the Minister of Railways' bitter attack upon the members for Sandhurst and Mandurang. At the same time, there was no denying that the great mining centres of the colony were refused in the Railway Bill the accommodation to which they were in justice entitled. In fact, a vast number of districts were to receive railway advantages under the Bill far beyond their deserts, while the portion of the population engaged in developing the mining industry were to be utterly ignored. Under these circumstances, the case made out by the honorable member for Creswick (Mr. Wheeler) was entitled to every attention, because the object of his amendment was to connect the gold-fields of Creswick and Daylesford by a railway which would run through one of the finest forests of the colony, and be of enormous use in supplying two large mining communities with the timber required for their operations. Although he (Mr. Williams) did not intend to answer the personal references formerly thrown out by the Minister of Railways, there was a portion of the honorable gentleman's remarks to which he felt bound to make some allusion. For example, it would appear that for some of the Minister's assertions in connexion with the route of the projected line between Sandhurst and Seymour there was positively no foundation. The honorable gentleman gave the House a more or less circumstantial account of his hasty trip through that part of the colony, but he (Mr. Williams) held in his hand a document drawn up by some of the oldest residents of Costerfield, who acted as the honorable gentleman's guides on the occasion in question—it could not be said that they were his friends or counsellors in the matter—the effect of which was to express extreme indignation at his statements, and to aver that there was not a scintilla of truth in them. The honorable gentleman declared, for instance, that there were only some three or four selections on the whole route, but it would seem that the circumstance that there were from thirty-five to forty such selections was something that nobody passing through the country could miss seeing. Then, with regard to what he said about the very small quantity of anthracite produced at Costerfield—that it could be carried away in a balloon—it was the case that from first to last no less than 30,000 tons of anthracite had been obtained from the Costerfield mines. He (Mr. Williams) would lay the statement he was quoting from on the table but for the fact that the strong feelings of those who wrote it led them to use language of a highly unparliamentary character. Then, as to the honorable gentleman's assertions respecting the scantiness of ironbark in the district, it was beyond question that at one point of the forest the projected line would pass through there were 14,000 tons of ironbark ready to be removed. (Mr. Bent—"I was speaking of the route between Heathcote and Sandhurst."") Well, in the neighbourhood of Axedale there were tens of thousands of tons of ironbark.
The Minister of Railways also said that there was a mountain near Costerfield which would have to be avoided if the railway from Sandhurst to Seymour was constructed, but the document he (Mr. Williams) had already referred to showed that, although for 60 chains there would be a gradient of 1 in 40, there was no mountain in the way. The document bore the names of Mr. James Moodie, president of the Railway League; Mr. James Kemp, mining manager, and for 28 years a resident in the district; Mr. Charles Phipps, 24 years a resident; Mr. Charles Young, 25 years a resident; and Mr. W. A. Bradley, a resident of 20 years' standing; and all these gentlemen contradicted the statements made by the Minister of Railways in reference to the line. It appeared to be extremely inconsistent for a member of a Government to introduce a Railway Bill in which one of his colleagues was vitally interested, and to denounce the line which that colleague desired in most unmeasured terms. The speech of the Minister of Railways was more damaging to the line than any which were delivered on the subject, and yet the honorable gentleman stated that the Government did all they could not adopt the suggestions made by honorable members on both sides of the House. The whole of the new lines asked for were only 52 miles in length. The line compact entered into by the Premier, not to accept any new lines which might be proposed, was not at all in the interests of his colleague, the Minister of Mines, and the honorable gentleman could not have consulted his colleagues before entering into it. There was plenty of money left with which to construct the lines now being advocated. Their total length was only a little over 50 miles, and £150,000—the unappropriated balance of the loan—would be quite sufficient to defray the cost of constructing them. He asked the Government to reconsider their position. Were they going to ignore the mining industry of the colony? Mining timber was getting scarcer every day. In Sandhurst and Creswick the mining companies had to pay 8s. or 9s. a ton for firewood and 6d. or 7d. a foot for props, and yet the Government would not agree to the construction of a small line which would supply firewood in plenty and at a cheap rate to the mines. If the Government adhered to their determination to close the Bill, it was useless to bring forward the other new lines of which notice of motion had been given, because the fate of the present proposal would no doubt be taken as indicating the fate of the others. Unless greater facilities were given for supplying timber to the mines, a large number of companies would have to go to the wall, as they were now in a struggling condition. What had those engaged in the industry of gold mining done to call for such treatment as they were receiving at the hands of the Government? They had worked with a perseverance which was highly commendable, and, having spent large sums of money in the development of the industry, they were entitled to look for some encouragement and assistance from the Government. (Sir B. O'Loghlen—"I have already promised to find the money and construct the line next session.") Next session meant never, for the Government, when asked to redeem their promise, would say that it was not worth while to introduce a twopenny-halfpenny Railway Bill, including one or two lines only. Besides, the Treasurer might be ever so willing to find the money for the construction of the line next session, but honorable members might not be found in the same frame of mind. They might want a number of other lines placed in the Bill, and in that case they would be altogether indisposed to pass a Bill containing only one or two lines. He would suggest that the Government should accept the three proposals which would be made at this stage, and if they did so they would be able to get the Bill disposed of that night, and have also the satisfaction of knowing that the mining community had been fairly dealt with.

Mr. R. CLARK moved the adjournment of the debate, in order to give the Government an opportunity of considering whether they could not adopt the suggestions made by honorable members on both sides of the House. The whole of the new lines asked for were only 52 miles in length. The line asked for by the honorable member for Creswick (Mr. Wheeler) was only 14 miles in length and it received very general support on both sides of the House, as it would considerably affect the interests of Ballarat and Daylesford as well as Creswick. The members representing mining constituencies would not be doing their duty if they did not endeavour to get some such line in order that the mining industry might receive a fair share of attention in the Railway Bill. He would also take the present opportunity of referring to what he called the most unjustifiable attack which the Minister of Railways made on the honorable member for Sandhurst (Dr. Quick) the previous Thursday night. Whatever his (Mr. Clark's) opinions might have been, he had never said one ungentlemanly word to the Minister of
Railways Bill. 2103

Railways on the floor of the House, and he thought that a Minister of the Crown ought at all times to be courteous and gentlemanly in his demeanour and language towards other honorable members.

Mr. BENT rose to explain that in his remarks on the previous Thursday he did not refer to the honorable member for Sandhurst (Mr. Clark), but to his colleague (Dr. Quick).

Mr. R. CLARK remarked that according to the reports in the newspapers, which were all his constituents had to guide them, it appeared that he, as well as his honorable colleague (Dr. Quick), was referred to by the Minister of Railways. If, however, the Minister of Railways said that he did not refer to him (Mr. Clark), he would take up the matter as reflecting on Sandhurst. (Dr. Quick—"The Minister of Railways expressly named me.") It was not for the lack of assiduity that the members for Sandhurst did not get what they wanted. If those members, according to the Minister of Railways, did manage their business in a "clumsy" manner, it was not for the Government to attempt to get out of the dilemma in which they were placed by stating that they did all they possibly could to carry the two lines in which the people of Sandhurst were most interested. At first they supported those lines, but eventually they turned their backs upon them, whereas, if they had remained firm at the last moment, their influence would have been sufficient to carry both. He always understood that in this colony it was Ministerial etiquette for each Minister to accept the decision of the majority of the Cabinet, and abide by it. In reference to the Heathcote and Sandhurst line, however, this etiquette appeared to have been overlooked. The line was apparently placed in the Bill through the instrumentality of the Minister of Mines, and yet, when the question came to be debated in the House, the Minister of Railways strenuously opposed the line. Surely he ought, in fairness, to have contented himself with opposing it in the Cabinet. In two speeches which he made, he did all he could to persuade honorable members to strike the line out of the Bill. Was it fair play and justice to the Minister of Mines for his colleague, the Minister of Railways, to get up and show that the line was not required? With regard to the Kerang and Swan Hill line, no doubt the Minister of Railways did at first strongly advocate it, but he did not finally stick to it as it was understood he intended to do. Did he not enter into some arrangement with the honorable member for Castlemaine (Mr. Pearson)? (Mr. Bent—"No arrangement.") Then it was an extraordinary tide of spontaneous feeling. He (Mr. Clark) did what he could to get the Heathcote and Sandhurst line retained in the Bill, but he had no idea that when the Beeac line was negatived the Government would refuse to accept any new proposals. The district represented by the honorable members for Sandhurst and Mandurang included one-sixteenth of the population of the whole colony, and it was impossible to sit quietly by while a great injustice was being done to such an important community. The Minister of Railways attributed the striking out of the line to the bungling and clumsiness of the honorable members for Sandhurst, but he (Mr. Clark) would remark that a more clumsy measure than the Railway Bill had never been introduced into the House. He was astonished, in looking through the columns of Hansard, to find that the Minister of Railways, during the debates on the Bill, had spoken no less than 196 times. True, some of the speeches were very short, but, again, others were of undue length. The Bill had been before the House for five long months, and an unprecedented number of amendments had been proposed in connexion with it. Instead of calling it a Railway Construction Bill, it ought to be called a cunningly devised catch-vote Bill, calculated to catch votes in every direction. Was it to be expected that the honorable members representing Sandhurst would not do everything they could to carry out the wishes of their constituents? If they were not backed up by the people whom they represented, it would be a different thing, but it was a fact attested by large public meetings which had been held that the people were strongly in favour of the lines which their members had advocated. Due attention also should be given to the fact that the entire press of Sandhurst was in favour of those lines, and newspapers, which, up to the present, had not said one angry word about the Government, now complained of the gross injustice which the district was likely to suffer at their hands. Public men did not do their duty if they refused to listen to public opinion, and, at any rate, they ought not to despise the leading articles which appeared in the newspapers urging Parliament to do what was right and just. The Bendigo Independent published the following in one of its leading articles:—

"Her Majesty's present Ministers for the colony of Victoria are gradually developing, and if
they manage to retain office much longer they will certainly be a body of which any civilized community would have reason to be ashamed.

Never has a more striking example of the old proverb, "Set a beggar on horseback, &c.," been furnished in political experience than that afforded by those who, by reason of the consequence of their honorable positions of Ministers of the Crown. The success which has followed their schemes seems to have completely bereft some of the members of any little brains they ever possessed, and to have made them utterly unfit to occupy the position into which a combination of fortuitous circumstances elevated them. For some time past the scenes which have been such a blot on our representative institutions have gradually been verging towards a climax, and Ministerial assurance, combined with an utter disregard of national considerations, have continued to increase until what appears to us a culmination was arrived at on Thursday night. It has been invariably the case of late, the Minister of Railways, who has given more conclusive and more numerous proofs of his thorough incapacity for the office he holds than any other member of the Government, has found a prominent part in this extraordinary exhibition of Ministerial impertinence and assurance. Looking over the report of the sitting, it would appear that Mr. Bent and some of his colleagues have become so elated by the success of their manoeuvring and trickery that they have forgotten altogether the obligation under which their position places them to conduct themselves decorously, and to observe the truth in the debates of the House. While the House does not contain a sufficient number of right-minded and sensitive men with sufficient spirit to take such action as is necessary to show such models that, suitable as language of the kind may be for the stable or the ring, it is altogether out of place for men whose business it is to fill so important a position as the one they hold.

We have only now to consider, however, that by some means or other a grave injury has been inflicted on Sandhurst, and that it does not seem to have been purposely wrought for reasons which do not appear on the surface. The meeting last night was expressive of a feeling inimical to the Sandhurst and Heathcote line. In the next place, there was the influence of the other members of the Government who voted against the line on the last occasion. Again, the two honorable members for Rodney, who had considerable influence in the House, did their level best to oppose the

exercised a most demoralizing effect on both the House and the country. There has never been any pretence that it embodies a national policy. In preparing it no consideration whatever was given to broad public interests. The ruling idea appears to have been to offer each constituency a bait, and by keeping a settlement in suspense throughout the entire session, to maintain a widely-spread interest in the fortunes of the Ministry. If that was the plan of campaign, it must be confessed that it has been most successful. The Government has secured its own safety at the cost of degrading the institutions of the country. Members have been, and are, completely paralysed by the corrupting influence of the general but conditional bribe that has been offered. They do not do anything or suggest anything that would have the effect of jeopardizing the Ministerial railway measure. A man might almost as well make up his mind to retire for a season, at all events, from public life, as pursue any course which would have the effect of delaying the legal authorization of the 50 or 60 lines contained in the Bill. This is precisely how this constituency contends that the matter stands. The Bill does not embody a proportionate and broad public interests have not been considered. This is enough to condemn it utterly.

Another paper in Sandhurst, called the Evening News, wrote in the same strain. It stated—

"When men resort to tactics so barefaced in their falsity, so unscrupulous in their regard to the truth, they are too contemptible to be considered, and the only thing to be thought of concerning them is the best way that can be adopted to thwart their damaging schemes, and then to secure their rejection from the place they fill so unworthily, and publish only bring discredit and shame on the community at large."

Mr. BENT said he desired to draw attention to the fact that the honorable member for Sandhurst (Mr. Clark) was reading an article charging the House with corruption, and containing other phrases that the honorable member dare not use in the House.

The SPEAKER.—The honorable member is not in order in reading a newspaper article referring to a debate that has taken place during this session.

Mr. R. CLARK said he bowed to the ruling of the Speaker. He had, however, quoted sufficient to show the feeling which existed in his district with regard to the lines which the honorable members representing it advocated. Honorable members should consider the influences which had been at work to prevent them from being carried out. The Minister of Railways distinctly stated that he was opposed to theSandhurst and Heathcote line. In the next place, there was the influence of the other members of the Government who voted against the line on the last occasion. Again, the two honorable members for Rodney, who had considerable influence in the House, did their level best to oppose the

Mr. R. Clark.
two lines from Heathcote to Sandhurst and from Kerang to Swan Hill; and even the leader of the Opposition, who was backed up by his aide-de-camp and by his great general, spoke as strongly as any one against the lines. But surely it was not too late even now to dole out a modicum of the justice due to the people of the mining districts. The extension asked for by the members for Creswick would only be about 14 miles, the line from Kerang to Koondrook 14 miles, the line from Sandhurst to Axedale 18 miles, and the small line suggested by the honorable member for Ripon 6 or 8 miles. The whole length of these lines, therefore, would only be about 52 miles, and as, according to the representation of the Minister of Railways himself, there was a sum of £112,000 still unallotted, surely it would be only just and reasonable for the Government to apply the amount to the construction of the short railways he had mentioned, so as to place the mining centres in close communication with the forests. He earnestly hoped the Government would still reconsider their decision in the matter.

Mr. McCOLL observed that he had no hesitation in stating that the members for Sandhurst and Mandurang had been grossly deceived. On the plea that the wants of their constituents would receive fair play and consideration they allowed other lines to be taken out of their regular order, whereas, if they had insisted on the lines in the Bill being dealt with in their regular order, matters would now have been very different. He believed that the Minister of Railways, if he followed his own honest convictions, would at once agree to the construction of a tramway from Axedale to Sandhurst, which was urgently required for the purpose of bringing in bluestone and mining timber. As for the small line from Kerang to Koondrook, the Minister had actually promised him to propose that line, in order to provide a connexion with the Murray. Not only would it be most valuable for the purpose of supplying redgum timber, but it would afford communication with a large number of farmers from Victoria, who had crossed the Murray and taken up land on the New South Wales side of the river. He would appeal to the House to yet authorize the construction of these two lines.

Mr. WHEELER expressed the hope that honorable members would go to a division on his amendment without further prolonging the debate. The matter was fully ventilated on Thursday last, and he promised to assist the Government to get rid of the Railway Bill that evening. If the extension of the line from Creswick was not carried, at least he and his colleagues had done their duty to their constituents, and he could only hope that they would be more successful on another occasion.

Mr. FISHER remarked that he would remind the House of the old story of the shipwreck, when a number of men escaped in a boat with a small supply of provisions. When it was seen that the number of men in the boat would soon consume the supply, lots were cast, and a certain number of the men were thrown into the sea. But, if a larger supply of provisions had been available, it would not have been necessary for those who were fortunate in the drawing of the lots to cast their former friends into the sea. The Assembly had now the opportunity of obtaining more money for railway construction than that already provided, and he therefore trusted that, even at this last moment, the House would avail itself of that opportunity, and would not cast overboard the few small lines now asked for.

The motion for the adjournment of the debate was put and negatived.

The amendment was then negatived without a division.

Mr. BENT moved the substitution of the following new sub-section for the 14th sub-section, providing for a railway from Dandenong to Fern-tree Gully:—

"A railway commencing on the Hawthorn and Lilydale Railway, and terminating at or near to Fern-tree Gully, in the direction and upon the lands described in the 14th schedule hereto, to be called the Ringwood and Fern-tree Gully Railway."

He remarked that, having gone over several of the routes proposed for a railway to Fern-tree Gully, he had decided to recommend the Government to adopt that now proposed instead of the line from Dandenong, as originally included in the Bill. Under the original sub-section, a greater mileage would have had to be constructed, and the distance from Melbourne to Fern-tree Gully would have been 32 miles, whereas by the Ringwood route it would only be 21 miles. Moreover, the line now proposed would cost about £1,000 less than the line from Dandenong.

Mr. KEYS moved, as an amendment, that the line should start from "a point on the Camberwell and Oakleigh Railway." He was at a loss to understand why the Minister of Railways had selected the Ringwood route, because, in his (Mr. Keys') opinion, it was the worst of the various routes suggested. He knew every foot of the district,
and he ventured to say that the character of the country between Ringwood and Fern-tree Gully was not such as to warrant the construction of a railway. It was quite true that the length of construction would be only 6½ or 7 miles by the route now proposed, but where was the necessity for constructing a line at all unless there would be some traffic along it? There was no population along the route from Ringwood, and the land was of such a character that it would not be worth cultivating. He (Mr. Keys) considered that the proper mode of carrying a railway to Fern-tree Gully was by a continuation of the Glen Iris line, which would pass through thickly-populated country, and present no engineering difficulties whatever. Moreover, it would bring Fern-tree Gully within 18 or 19 miles of Melbourne, and would, in every respect, prove a payable line, whereas the line now proposed by the Minister of Railways would be of the very opposite character.

Mr. BENT observed that he admitted that the honorable member for South Bourke knew this portion of the country well, but he (Mr. Bent) also knew something about it. The objection was that 14 miles of railway would have to be constructed if the line was started from the Glen Iris Railway, and, moreover, no matter at what point the Oakleigh line was started from, the line to Fern-tree Gully by that route must come within three miles of the Camberwell line. He himself had gone over five of the proposed routes, and he had sent officers over the other two. He found that to start from Scotchman’s Creek would involve the construction of 14 miles of line with gradients of 1 in 40, that to start from Clayton’s would involve a similar length of construction and similar gradients, and that to start from Dandenong would involve the construction of 12 miles of line with gradients of 1 in 40 on a good deal of the way. By the route from Ringwood only 6 miles of line would have to be constructed, whereas Fern-tree Gully would be brought within 20½ miles of Melbourne, which was as near as it would be brought by any of the other routes. So far as the character of the country was concerned, there was little difference between the route proposed by the honorable member for South Bourke and that now submitted by the Government. The limit of deviation provided would enable the department to bring the line pretty close to the point which the honorable member desired to be touched. It was admitted by every one who had gone over the various routes that he (Mr. Bent) had selected the best one.

Mr. FINCHAM remarked that he doubted the accuracy of some of the distances given by the Minister of Railways, and whether he had chosen the best route. No doubt an officer of the Railway department last week, under instructions from the Minister, given at the instance of certain gentlemen, made a flying survey, on the strength of which he reported that the distance that would require to be constructed would be 14 miles if a certain route was adopted, but, with all due deference to that officer, he (Mr. Fincham) doubted the accuracy of that statement. (Mr. Bent—“It would be 12 miles from Clayton’s-road.”) By going below Clayton’s-road altogether and nearer to Springvale, a route, following up the natural valley, could be found only 8½ or 9 miles long. That route would be superior to the one now proposed, the engineering difficulties would be less, and he believed the line could be made for a smaller cost than the line from Ringwood would entail. Apart altogether from the question of route, however, he thought that, when lines that were much more important in the public interest than a line to Fern-tree Gully, which was intended purely for holiday-makers, had been refused, there was no reason why this line should be constructed at present. If railways of great importance were rejected on the ground that Ministers said there was not money to construct them, what justification was there for the House authorizing a line which was simply intended for picnickers from Melbourne? He thought the best course under the circumstances would be for the House to strike out the line altogether.

Mr. Keys’ amendment was then negatived without a division.

Mr. Bent’s amendment was then agreed to.

Formal amendments were made in the 17th, 18th, 22nd, 23rd, 25th, 30th, and 33rd sub-sections.

Mr. BENT moved that in the 34th sub-section, providing for the Maldon and Laanecoorie Railway, “Woodstock” be substituted for “Laanecoorie,” as the terminal point of the line.

Mr. WILLIAMS stated that Woodstock was a parish eight or nine miles square, and it was a most unusual thing to define the terminal point of an important line of railway in so vague a manner as the Minister of Railways now proposed. It would be much better if “the township of Laanecoorie,”
which was the centre of a considerable agricultural district, was fixed as the terminus of the line. If the Minister would adopt that suggestion he would satisfy an overwhelming majority of the people who were interested in the line, whereas they would be greatly disappointed if the amendment now proposed was adopted.

Mr. FISHER remarked that, if the amendment was agreed to, an injustice would be done to the only bit of Mandurang that would be at all benefited by the present Railway Bill. The line as now scheduled in the Bill was considered satisfactory by the great majority of the people affected, but a deputation which waited upon the Minister of Railways the other day suggested the present proposal, which would take the line away out of Laanecoorie altogether. He trusted the Minister of Railways would allow the line to stand as it was scheduled.

Mr. BENT stated that the amendment was proposed in consequence of a suggestion that the line should be extended two or three miles. It would pass through the parish of Laanecoorie into the parish of Woodstock, but if it was left as it originally stood in the Bill it would stop in the parish of Laanecoorie. He made no promise to the deputation which waited upon him further than that he would inspect the line, as he had previously said he would do.

The amendment was carried without a division.

Formal amendments were made in the 45th, 46th, and 50th sub-sections.

Mr. BENT proposed that the sub-section providing for a railway commencing at or near the Camberwell railway station, and terminating on the “proposed line from Picnic station, Richmond, to Oakleigh, in the parish of Camberwell,” be amended by substituting the following words for the words quoted:—“Gippsland Railway, at or near the Oakleigh station, in the parish of Mulgrave.”

The amendment was agreed to.

Mr. BENT proposed the insertion of the following new sub-section:—

“A railway or siding commencing at or near the Windsor railway station and terminating on the east side of Union-street, in the line and upon the lands described in the 62nd schedule hereto, to be called the Windsor siding.”

The sub-section was agreed to.

Formal amendments were made in several clauses.

Mr. WHEELER moved that clause 14 (providing that, from the 1st July, 1883, £200,000 should for three years be annually paid out of the consolidated revenue into the Railway Construction Account) be amended by the substitution of “four” for “three.”

He said that the object of the amendment was to set apart £800,000 out of the consolidated revenue for railway construction instead of £600,000. The Government admitted that some of the new railways which had been proposed by private members and negatived were desirable lines to construct, but said they had no money to make them with. The extra £200,000 which would be obtained if the amendment was adopted would provide the means. The Premier had intimated that a sum might be placed on the Estimates next year for the construction of the line from Sandhurst to Heathcote, and for extending the line from Creswick to Spring Hill as far as Daylesford; but he (Mr. Wheeler) did not know where the money was to come from. The better course would be to adopt the proposal to set apart the £200,000 per annum for four years instead of three.

Mr. R. CLARK seconded the amendment. No doubt some additional lines would have been included in the Bill if the Government had not stated that there was no money available to construct them with. That difficulty would be removed if the period during which it was intended to set apart £200,000 per annum out of the consolidated revenue for railway construction was increased from three years to four.

The amendment was negatived without a division.

Mr. HARPER called attention to the schedule setting forth the route of the Alphington and Heidelberg line, and asked why the direction was not more specifically described than as simply passing “through the parish of Jika Jika”? Mr. BENT said the schedule allowed a deviation of half a mile, and, considering that the line was only 2½ miles in length, that was considered quite enough.

The 6th schedule (Bacchus Marsh Railway) was struck out, and a formal amendment was made in the 22nd schedule, describing the route of the Hastings and Mornington line.

Mr. BENT moved that the 23rd schedule (describing the route of the Hawthorn and Kew line) be struck out, and that the following be substituted for it:

“Commencing in the borough of Hawthorn, at a point on the Hawthorn and Lilydale Railway between the Hawthorn and Auburn-road stations, and proceeding thence in a northerly direction, through allotments 57, 58, 59, and 72.”
the parish of Boroondara and terminating on the south side of Coham-road, in the borough of Kew. Limit of deviation, 1 mile.'

The amendment was agreed to.

Mr. BENT proposed the substitution of a new schedule for the schedule describing the route of the Maldon and Laanecoorie line.

Mr. FISHER moved that the limit of deviation be "five" miles instead of "seven." He said that in the schedule as it at present stood the limit of deviation was five miles, but the new schedule authorized a deviation of seven miles. He thought there was no reason why the limit should be increased, and he trusted that the Minister of Railways would consent to it remaining as it was.

Mr. McINTYRE observed that the Minister of Railways promised a very important deputation which waited upon him that he would alter the limit of deviation from five miles to seven miles, and he hoped that the honorable gentleman would adhere to that understanding.

Mr. WILLIAMS remarked that the object of increasing the limit of deviation to seven miles was well known, and it was no use attempting to hide it from the electors of Mandurang. It would be quite sufficient to allow a deviation of five miles.

Mr. BENT said he promised the deputation alluded to by the honorable member for Mandurang that he would increase the limit of deviation to seven miles. He, however, did not think that it should be seven miles, but he would suggest that it might be six.

The House divided on the question that the word "seven" stand part of the proposed schedule—

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The new schedule was then agreed to.

A new schedule was also substituted for the 48th, describing the route of the Shepparton and Dookie Railway, and a schedule was added in reference to the Windsor siding.

Formal amendments were made in several schedules.

Sir B. O’LOGHLEN said he would now, with the leave of the House, move that the Bill be read a third time.

Dr. QUICK objected to the Bill being read a third time that night.

The third reading was accordingly made an order for next day.

LAND ACTS CONTINUATION AND AMENDMENT BILL.

On the order of the day for the resumption of the debate on Mr. W. Madden’s motion for the second reading of this Bill (adjourned from May 31), Mr. RICHARDSON said no honorable member expected that the debate on this important measure would be resumed that night. He would therefore suggest that the Government should go on with some other measure. (Cries of “The Harbour Bill.”) There was plenty of other business on the paper which might be proceeded with.

Sir B. O’LOGHLEN stated that the House was well aware that it was the intention of the Government to go on with the Land Bill as soon as the Railway Bill was disposed of. The Land Bill stood next on the paper. (Mr. Patterson—“Deal with the Estimates.”) The first business which the Government wanted to have dealt with was the Land Bill. (Mr. Fisher—“Go on with the Water Conservation Bill.”) He apprehended that the House ought to deal with the business which the Government set before it.

Mr. ZOX expressed the hope that the Government would speak authoritatively, and not allow the Opposition to dictate the order in which business should be proceeded with.

Mr. PEARSON moved the adjournment of the debate. He said that he did not dispute the right of the Government to dictate the order of business to a certain extent, but he desired to point out that no one
anticipated that the Land Bill would come on that night, and it was a measure which honorable members could not be expected to address themselves to without some preparation. He would suggest that the remainder of that evening's sitting might be usefully occupied with debating the second reading of the Mining Companies' Calls and Forfeitures Validating Bill, which the Government regarded as a very important measure.

Sir B. O'LOGHEN said that, with the view of passing the Bill just mentioned, he would agree to the adjournment of the debate. The motion for the adjournment of the debate was agreed to, and the debate was adjourned until the following day.

MINING COMPANIES' CALLS AND FORFEITURES VALIDATING BILL.

On the order of the day for the second reading of this Bill,

Mr. FISHER asked the Speaker if the Bill was in order? Surely, if it was anything, it was an indemnity Bill, which would be regarded in the Imperial Parliament as one affecting trade, and therefore one that ought to be introduced in committee of the whole House. Several instances were given in May of the latter course being adopted with measures of this kind.

Mr. GILLIES observed that the Mining Companies Act 1871, which might be called the principal Act, was originated in committee.

Sir B. O'LOGHEN remarked that the practice referred to by the honorable member for Mandurang (Mr. Fisher) as set out in May was a qualified one, there being numerous instances of variations from it. There was, in fact, a margin of cases to which the rule was not invariably applied, and within those exceptions the present measure seemed to come.

The SPEAKER.—It is plain the strict rule has not been followed in connexion with this Bill, but there are no doubt numerous precedents for departing from it in similar cases, and under the circumstances I cannot allow the objection the honorable and learned member for Mandurang has raised. With respect to whether the second reading of a Bill can be moved after a similar motion has been negatived, I think the House ought, on some future occasion, to consider the propriety of laying down a distinct line on the subject. Inasmuch, however, as the House of Commons has allowed the second reading of a Bill to be moved a second time, I do not think I would be justified in objecting to it being done now.

Mr. BENT stated that he remembered a similar course to the present being pursued on several occasions. The second reading of the Markets Bill which he introduced years ago was a case in point.

Mr. BURROWES moved the second reading of this Bill. He said—Mr. Speaker, the object of the Bill is simply to validate the proceedings of the mining companies of the colony who have acted in accordance with the decision given by the Supreme Court in the Tommy Dodd case some ten or eleven years ago. It was then decided that the Mining Companies Act of 1871 was not retrospective so far as to refer to the acts of companies registered under the Act of 1864, except with respect to their winding up, and in consequence those companies proceeded to make calls and forfeitures in the old way. Now, however, that state of affairs stands reversed by the recent decision of the court in the Chung Goon case, and, the calls and forfeitures in question being practically declared to be illegal, a door is opened to what I cannot help regarding as undue litigation, which the Government wish to prevent by means of the present measure. It appears that the companies who have been carrying on their business, that is to say, making calls and forfeitures, on the strength of the former decisions are considerable in number, and comprise some of the best mining associations in the country, and it seems unreasonable that, inasmuch as they have acted throughout in a bond fide fashion, and endeavoured to keep in strict accordance with the law, they should be subjected to a course of harassing in the law courts, which would practically amount to robbery. It is plain, first, that the circumstance that the Supreme Court formerly held to be good law is now held by the court to be bad law arises from no fault of theirs; and, secondly, that to enable any man whose shares they forfeited to claim to have them restored to him would be extremely detrimental to some of the best interests of the colony. I was very much surprised at the action of a number of mining members with respect to the Bill when its second reading was moved some weeks ago, but I hope they now see the necessity there is for passing it. No doubt considerable pressure has been brought to bear upon them in the matter by their constituents.

Mr. PAITTERSON.—Sir, I think that, if the Bill had been properly explained when
its second reading was first moved, much objection would not have been raised to it. Certainly the mining community ought not to suffer through the mistake of the judges in giving one decision at one time, and another at another. I also think it can hardly be said that to prevent those whose shares were regularly and formally forfeited under the Tommy Dodd decision from claiming to have them restored under the Chung Goon decision will involve any injustice. On these grounds I support the Bill.

Mr. R. CLARK.—Mr. Speaker, I have looked over the Bill carefully, and I beg to endorse the remarks that have been made in its favour. I am also of opinion that the Minister of Mines will do well to accept the amendments in the measure the honorable member for the Ovens (Mr. Kerferd) has suggested. If that is done, the Bill will effect a great deal of good.

Sir B. O'LOGHLEN.—Mr. Speaker, when the honorable member for Castlemaine (Mr. Patterson) expressed the opinion that this Bill was not properly explained at the time it was formerly under consideration, he laboured under a very great misapprehension, because I then took the utmost trouble to place its principles and details before honorable members in as clear a way as possible. As to the honorable member's allusion to the mistakes made by the judges, I think he should remember that they are but men, and cannot be always right. I fancy, however, that there can be little doubt that their last decision is the correct one.

Mr. KERFERD.—A great many eminent barristers hold a different view.

Sir B. O'LOGHLEN.—I suppose there will always be diversities of opinion. For my own part, I regard the Tommy Dodd decision as an erroneous one. At the same time, a very serious injury will be done to the mining community if, that judgment having been overruled, the legal nature of the action taken under it in a bond fide way by a large number of mining companies is left in any doubt. It has been pointed out by the honorable member for the Ovens (Mr. Kerferd) that there are one or two matters left uncovered by the Bill, and he suggests an amendment. Well, I see no objection to that amendment being adopted in the shape of an additional clause, although I think a few words of it might be altered, they being perhaps a little too general. The main object of the Bill being to prevent the forfeiture of certain shares being declared invalid, I fancy it is desirable to make the date at which its operation will commence correspond with the date at which it receives the Royal assent. With respect to the amendment in the law relating to mining companies submitted by the honorable member for Ballarat West (Major Smith)—

Major SMITH.—Let me ask a question. First, however, I wish to say that the Bill was objected to formerly on this (the opposition) side of the House because it was thought it would cover a number of fraudulent as well as legitimate transactions. What I desire to know is whether it will validate in any way the decision of Judge Skinner that each share forfeited must be advertised? If that plan is insisted upon, two-thirds of the mining companies will have to close up, because the expense of advertising would absorb three-fourths of the proceeds of their calls. It would be impossible for prospecting companies to stand such a demand upon them. At the same time, it cannot be said that there is really any need for such advertising, because it is well known that, as a rule, legal managers are most careful respecting forfeited shares, and, before the forfeiture takes place, not only advertise them in the usual way, but also send printed circulars on the subject to their holders.

Sir B. O'LOGHLEN.—The object of the Bill is not to validate any decision, but only certain things that have been done by mining companies on the strength of the Tommy Dodd decision. With respect to what the honorable member for Ballarat West (Major Smith) referred to as the effect of a decision of Judge Skinner, and which I understand the honorable member desires to meet by means of some special provision, I am by no means sure that the judge decided on the question at all. I think he merely expressed a strong opinion on the subject, and that his decision went on another point. Nevertheless, I apprehend the view that each forfeited share ought to be advertised is, strictly speaking, a correct one. At the same time I admit the practice to be different, and I am assured by the Minister of Mines not only that the separate advertising plan would not work, but that the existing arrangement operates very equitably. I am told that legal managers, as a rule, know who the holders of the shares to be forfeited are, and always send them word, and also that the extra advertising would be no benefit, because shares are often transferred ten or twelve times without the name of the holder being altered.

Mr. McINTYRE.—Sir, I desire to express my gratification at finding the House
dealing with the Bill in a manner different from that which it adopted the other day. I am satisfied that the honorable members in opposition who formerly set themselves against the measure did so under an entire misapprehension. I don’t want to legalize illegalities, but I wish to see those who acted in a bono fide way, according to what the Supreme Court decided to be law, protected in what they did, now that the law is declared to be different.

Mr. KERFERD.—Mr. Speaker, the Premier says he regards the Chung Goon decision as the correct one; but, of course, he will admit that the Privy Council may reverse it. Surely then we are now doing a most exceptional thing in legislation. We are making good what has been done under a legal decision which the court that gave it has reversed. I know of no precedent for such a proceeding. The usual plan is to amend the law, and to adopt a saving clause protecting the rights of every one up to that point, but we are not proposing to amend the law in any way. We are simply saying, “Notwithstanding a certain decision of the Supreme Court, certain things done in opposition to it shall be legal and valid.”

An important point is that many barristers, eminent for their knowledge of mining law, shake their heads at that decision, and assert that they would not be surprised if it were appealed against and upset. Assuredly if it became worth while a case would be sent home to-morrow. Well, if the Privy Council were to reverse the Chung Goon judgment, we would have to do our present work all over again.

Sir B. O’LOGHLEN.—The honorable member is mistaken. The Bill will merely make legal what has been done under the Tommy Dodd decision up to the present time. Were the Chung Goon decision reversed, we would simply revert to the old state of things; were it confirmed, the operation of the Bill would save everything.

Mr. KERFERD.—But if the Tommy Dodd decision were upheld we would have to protect the mining companies who had acted under the Chung Goon decision. I don’t blame the Government with respect to the action they are taking, because I am aware that to amend the Mining Companies Act of 1871 would be the work of months. Besides, I know well the powers legal managers have been able to exercise—how they have run one set of directors against another, and practically established two rival companies with different directors, books, seals, and mining managers, working the same enterprise, without the law being able to afford any remedy. One may well excuse the Government from facing difficulties of that character when it is possible to avoid them.

Mr. RICHARDSON.—Sir, I think the Premier will see now that there was some reason for the opposition to the Bill on a former occasion.

Sir B. O’LOGHLEN.—I utterly fail to see any.

Mr. RICHARDSON.—Why, even to-night, after a fair fuller explanation of the Bill than was formerly given, we find the honorable member for the Ovens (Mr. Kerferd) pointing out fresh difficulties. He has, in fact, made clear what is felt by many honorable members, namely, that the validation proposed in the Bill will not meet the whole of the case that has to be met, and which can only be dealt with by such a change in the law as will remove the ground on which the Tommy Dodd and Chung Goon decisions differ.

Mr. FINCHAM.—Mr. Speaker, I don’t intend to throw any obstacle in the way of the Bill, but I cannot overlook the fact that we are now making legal acts which we believe in our minds to be illegal.

Sir B. O’LOGHLEN.—No; informal merely.

Mr. FINCHAM.—Informal and illegal both. What I complain of is that, although many instances have occurred to show that the existing mining law is faulty—that the rights of individuals have been often interfered with under it—nothing is now proposed in the way of a remedy. It would be much better to remedy the evils which are known to exist than to further complicate matters by legislation of a doubtful character.

The motion was agreed to, and the Bill was read a second time, and committed.

Discussion took place on clause 2, which was as follows:—

"In any company originally registered under the Mining Companies Limited Liability Act 1864, all forfeitures of shares heretofore made, effected, or declared by such company since the coming into operation of the Mining Companies Act 1871, and also the calls in respect of which such forfeitures have been made, effected, or declared, shall, if such forfeitures and calls were made in conformity with any articles of association, deed of settlement, rules, or regulations of such company, be deemed to have been from the respective dates thereof, and to be legal and valid, notwithstanding that such forfeitures or calls have not been made in compliance or conformity with the provisions of part 1 of the Mining Companies Act 1871."

Mr. KERFERD suggested that all the words after the figures “1871” (line 6) to the word “company” inclusive (line 11) should be omitted, and the word “shall”
2112 Mining Companies' Calls and [ASSEMBLY.] Forfeitures Validating Bill.

inserted in lieu thereof. The clause would
then be as effective in its operation as it
would be if those words were retained, and
it would at the same time be freed from the
objection that it was declaring certain things
to be valid and legal which might not be so
held if brought before a proper tribunal.
The rules and regulations of any company
under which calls or forfeitures were made
might be ultra vires, and yet, under the
clause as it stood, such calls and forfeitures
might be held to be valid.

Sir B. O'LOGHLEN moved that the
word "valid" be inserted before the word
"articles" (line 9).
The amendment was agreed to.
On clause 3, providing that all proceedings
for forfeitures of shares for non-payment of
calls "when such calls were made before the
20th day of September, 1882," should be
taken as though Act No. 409 had not come
into operation,
Sir B. O'LOGHLEN moved that the
clause be amended by striking out the words
"the 20th September, 1882," with the view
of inserting the words "the passing of this
Act."
The amendment was agreed to.
A similar amendment was made in clause
4, which provided that the measure was not
to apply to companies registered under Act
No. 409, or where action commenced before
1st September, 1882.
The whole of the clauses having been gone
through,
Mr. KERFERD proposed the addition
of the following new clause, to follow clause
4:—
"Any action or suit brought upon any matter
or thing done or happening before the 23rd May,
1882, under the Mining Companies Act 1871, or
under any of the Acts No. 228, 324, 354, and 372,
mentioned in the 1st schedule thereto, or under any
Act or Acts amending the same, or partly
under one or more of the said Acts, shall be
heard and determined upon the construction of
law so far as it shall be material for the decision
of the said action or suit that the said Mining
Companies Act 1871, No. 409, is not retrospective
in its operation, except as to the winding up
of companies registered under the said recited Act
No. 228."

This clause was not inconsistent with the
Bill, as it now stood, the word "valid"
having been inserted in clause 2.
Sir B. O'LOGHLEN remarked that,
as he did not remember ever seeing the
word "retrospective" used in an Act of
Parliament, he would suggest that the words
"is not retrospective in its operation" (lines
11-12) should be omitted, with a view of
inserting the words "does not apply to any
of the Acts hereinafore mentioned."

Mr. RICHARDSON expressed the op­
inion that the word "retrospective" should
be retained in the clause, as it seemed to
cover the whole ground of the Premier's
amendment.

Sir B. O'LOGHLEN observed that the phrase
covered too much ground.

Mr. PATTERSON asked what objection
there could possibly be to retaining the
words "is not retrospective in its operation,"
seeing that, as a matter of fact, the Bill was
not to have any retrospective action, with the
exception expressly specified in the clause?

Sir B. O'LOGHLEN moved that the
words "does not apply to any of the Acts
hereinafore mentioned" be substituted for
the words "is not retrospective in its
operation."
The amendment was agreed to.
Mr. KERFERD suggested that a declara­
tory clause should be added to the Bill on
the subject of the judgment in the Chung
Goon case.

Sir B. O'LOGHLEN remarked that the
honorable member for Ballarat West (Major
Smith) had introduced a Bill which pro­
posed to substitute the following new pro­
vision for subdivision 5 of section 118 of the
Mining Companies Act of 1871:—

"For sections 54 and 55 shall be substituted
the following section:—Any share and all
shares upon which a call shall be made at the expiration
of fourteen days after the day for its payment
shall be sold by public auction, and
advertising in a newspaper circulating in the locality
where the registered office of the company
is situated: Provided always that the
directors of any company shall have power, at
any meeting of them where a quorum shall be
present, to postpone a sale of forfeited shares,
without notice, and advertised in the Gazette not less than seven nor
more than fourteen days before the day appointed
for the sale, in the form contained in the 7th schedule to this Act, and that
such notice shall, at least five days before the day of sale,
be inserted in a newspaper circulating in the locality where
the registered office of the company is situated; but
such postponement shall not be extended for
more than six days from the date of the first
announced intended sale. The proceeds of
forfeited shares shall at the expiration of the
call unpaid thereon, and of the expenses of
the advertisement, and any other expenses
necessarily incurred in respect of the forfeiture,
and the balance (if any) shall be paid to the
shareholder on his delivering to the company
the scrip representing the forfeited share or
shares."

He had consulted the Minister of Mines in
reference to the question of publishing the
numbers of forfeited shares, and personally
he was in favour of this being done. He
knew for a fact, however, that it was not
done in the great majority of cases, and it could not be enforced without a great deal of trouble. He did not believe that it would be any protection to shareholders for the numbers to be published, because people very seldom knew the numbers of their shares. The strict law was that the numbers should be advertised. At present a shareholder could protect himself by having the shares which he held registered in his own name, in which case he was bound to receive notice of forfeiture for non-payment of calls.

Mr. RICHARDSON observed that this question was one which would require very careful consideration. It was important that the numbers of forfeited shares should be made public, in order to identify the shares, and that men dealing in a bona fide manner might not be imposed upon. An evil which the mining community were likely to suffer from was the relaxation of the law in reference to the advertising of forfeited shares, and steps should be taken to prevent it. The law at present was that the numbers should be published, and, if it was not strictly observed, the persons most likely to suffer were those who did not devote their whole attention to their mining investments, and who might be at a great distance from the mine in which they were shareholders when the shares were forfeited.

Sir B. O’LOGHLEN suggested that the Bill should now be reported, promising that on the third reading he would bring in clauses which would meet the views of the honorable member for Ballarat West (Major Smith) and the honorable member for the Ovens (Mr. Kerferd).

The preamble was adopted, and the Bill was then reported to the House with amendments.

The House adjourned at eleven o’clock.

LEGISLATIVE ASSEMBLY.

Wednesday, October 18, 1882.


The Speaker took the chair at half-past four o’clock p.m.

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RAILWAY DEPARTMENT.

Mr. WRIXON asked the Minister of Railways when he would modify the railway traffic rates between Hamilton and Portland, so that produce intended for shipment from Portland to London would no longer be charged a higher rate than produce intended to be shipped from Melbourne to London? At present, if a wool-grower sent wool from Hamilton to Portland to be forwarded to Melbourne for shipment, he was charged 8d. per bale less for carriage than if he sent it to be shipped direct from Portland. No doubt it was not the intention of the Railway department to thus handicap those persons in the neighbourhood of Hamilton who might wish to ship their produce direct from Portland to London.

Mr. BENT said he would make arrangements whereby goods sent from Hamilton to Portland to be shipped direct from there to London would not be charged a higher rate of carriage than produce intended to be forwarded to Melbourne for shipment.

Mr. DEAKIN asked the Minister of Railways the following questions:

"1. If he has accepted any contract for railway buffers from English firms?
"2. If tenders were invited before the contract was accepted?
"3. If he will inform the House at what price tenders were accepted, and the total amount of the contracts?
"4. If former contracts for this class of work have been carried out satisfactorily in the colony?"

He said he understood that a contract had been accepted for the importation of railway buffers from England, although he believed there was very little difference between the price of it and the price at which colonial firms tendered to supply the article.

Mr. BENT read the following reply from the Locomotive Superintendent:

"1. No contract has been entered into with any English firm for supply of railway buffers.
"2. Tenders were recently invited for 3,000 truck buffers.
"3. The price, as per accepted tender, is £2 9s. 1d. each. The total amount of contract is £2,985.
"4. They might be better."

He (Mr. Bent) intended to make further inquiries before entering into any contract for railway buffers. Although a number of buffers had been supplied by colonial manufacturers, the experience of the department was that the persons who entered into contracts for such goods sent home for most of the stuff.

Mr. RICHARDSON asked the Minister if he would reconsider and withdraw an order that had been made prohibiting a ladies’ compartment in the trains leaving the
Ballarat station, and running to the north and west?

Mr. BENT said it was simply impossible, on account of the deficient quantity of rolling-stock, to set apart special compartments for ladies in all the trains. During the past year only 42 new carriages were supplied to the department by the colonial manufacturers, and of these 41 were used for additional trains, principally caused by the opening of new lines. It was expected that 40 or 50 new carriages would be received from England within the next seven or eight weeks, and he hoped that in the meantime the public, who complained of the want of adequate accommodation, would show a little consideration for the department.

TELEGRAPH DEPARTMENT.

Central Office.

Mr. MIRAMS asked the Premier whether the Government, in determining the site of a new telegraph office, would consider the and the building in the Government, in determining the site of the police courts were held would require made available for a central telegraph office. The Govern­ment had declined to purchase the premises of Messrs. Briscoe and Co. for the purchase of the premises of Messrs. Briscoe and Co., in Collins-street, for tele­graphic purposes; and if he would give the House an opportunity of expressing an opinion upon the question before completing the purchase of those or any other premises?

Mr. BOLTON said the Government had to the conclusion that the best course to adopt would be to utilize the ground at the rear of the Post-office.

Mr. GARDINER (in the absence of Mr. MASON) asked the Postmaster-General if it was true that offers had been made to him

for the purchase of the premises of Messrs. Briscoe and Co., in Collins-street, for tele­graphic purposes; and if he would give the House an opportunity of expressing an opinion upon the question before completing the purchase of those or any other premises?

Mr. GRAYWES stated that there was a regulation on the subject, which, if availed of, would be found very convenient to the public. Its existence, however, was not generally known, but he would take steps to give it publicity through the Victorian Government Gazette, and that of New South Wales.

PARLIAMENT HOUSE.

STONE FOR WEST FRONT.

Mr. McCOLL (in the absence of Mr. R. CLARK) asked the Minister of Railways if he would alter the proposed time for starting the special train to Stawell, to enable honorable members to visit the Grampian quarries, from eight o'clock a.m. to eleven a.m.?

Mr. BENT replied that he was willing that the special train should start at any time that would suit the convenience of honorable members. The reason why eight o'clock a.m. was fixed as the hour was to enable them, besides visiting the quarries, to proceed to Dimboola, and thus have an opportunity of seeing the mallee.

Mr. PEARSON mentioned that a large block of granite had arrived from the Harcourt quarry, and was now on view in the Parliament yard.

Mr. McKEAN remarked that a very fine block of sandstone had arrived from Gippsland. There was a splendid quarry about a mile and a half distant from the Trafalgar station on the Gippsland Railway. The stone was of a French grey colour, and he hoped that honorable members would take the opportunity of inspecting the specimen which had been sent to Melbourne.

DOG ACT.

Mr. KERFERD asked the Premier if he would introduce a Bill to amend the Dog
Act, or promise that the Government would give facilities for the passing of such a measure if it was brought in by a private member?

Sir B. O'LOGHLEN said there seemed to be a strong public feeling as to the necessity for amending the Dog Act, and, therefore, on behalf of the Government he would introduce a Bill for that purpose.

CARLTON GARDENS.

Mr. GARDINER (in the absence of Mr. Mason) asked the Minister of Lands if he would cause the Carlton-gardens to be kept open until half-past seven or eight o'clock in the evening during the summer months; and if he would take steps to have the paths open for traffic from north to south on the east and west sides of the Exhibition-building?

Mr. W. MADDEN said he had given instructions that the Carlton-gardens should be kept open until eight o'clock p.m. during the summer months, and he understood that the Exhibition trustees had decided to open for traffic the paths alluded to in the latter portion of the honorable member's question.

Mr. GARDINER in the absence of Mr. Mason asked the Minister of Lands if he was aware that the trenching and other improvements in the northern portion of the Carlton-gardens were not yet completed, and if he would state the cause of the delay, and when the said improvements were likely to be completed?

Mr. W. MADDEN replied that all the heavy work had been done, and he had given instructions that the other work should be carried out with as great rapidity and as little inconvenience to the public as possible.

THE POLICE.

Mr. ZOX asked the Chief Secretary whether in May last he received a petition signed by several members of the police force relative to a re-adjustment of their pay, and, if so, whether he had given the matter consideration, and if the prayer of the petition was likely to be acceded to?

Mr. GRANT, in reply, read the following memorandum:

"Three petitions were received from police constables during last May, praying for a re-adjustment of their pay, viz.:

1. From constables who joined the force subsequent to 15th October, 1880, asking to be placed on a footing of equality with members who joined prior to that date. This request was acceded to.

2. From married members of the force, stationed at Russell-street, asking for an allowance in lieu of quarters.

3. From other married members of the force to the same effect.

All these were referred to the Police Commission at the request of that body. As to 2 and 3, no decision has been arrived at pending the receipt of the report of the commission as to the re-organization of the force."

MRS. HARRIET NORGATE.

Mr. W. M. CLARK asked if the Government had come to any determination in regard to placing a sum of money on the Estimates to compensate Mrs. Harriet Norgate for the loss of her husband, who was drowned in the execution of his duty?

Mr. GRAVES said the Government had carefully considered the case, and they had arrived at the conclusion that they would not be justified in reversing the decision of the Minister of Customs in the Berry Administration, which was that Mrs. Norgate's claim for compensation could not be acceded to.

LAKE GANNON.

Mr. McCOLL asked the Minister of Lands if he would withhold from selection the land constituting the bed of Lake Gannon? For years the area in question, which was about 300 acres in extent, was covered with 14 feet of water, but some time ago it became dry land, owing to the erection of an embankment, which prevented the waters of the Murray flowing over it, and producing the lake. After the land became dry it was managed by a man connected with a neighbouring run, but his selection was forfeited. His (Mr. McColl's) desire was that the forfeited land should be withheld from further selection, and the waters of the Murray again allowed to convert it into a lake, as a great deal of settlement was induced in the vicinity when the lake existed, and the loss of the lake was a serious detriment to the settlers.

Mr. W. MADDEN said that no such lake as Lake Gannon was known to the Lands department. If the honorable member would call at the department, the matter would be inquired into.

INDUSTRIAL SCHOOLS.

Mr. GRANT, in compliance with an order of the House (dated October 17), laid on the table a copy of the correspondence re-transfer of the Industrial School children and buildings at the Royal-park to the committee of the Immigrants' Home.

ASSAULT ON THE HIGH SEAS.

Mr. R. CLARK (in the absence of Mr. Longmore) asked the Attorney-General if
he had come to any decision in the case of Captain Samuel Andrews, of the ship Aldborough, charged with violently assaulting a sailor while the vessel was on a voyage from Calcutta to Melbourne?

Sir B. O'LOGHLEN said he had made every possible inquiry into the case. No depositions were taken, but he had received statements from the clerk of the bench, and other persons, as to the evidence which was given. He had considered the matter in its legal aspect, and, although he differed from the judgment arrived at by the magistrates, he had decided that he could not interfere. The magistrates might be perfectly right in their judgment, but, personally, he was of a different opinion. He did not think the captain's conduct could be justified. The view, however, which he took of the matter was that the case was one of assault over which the magistrates had summary jurisdiction, and their decision was final. The record of their dismissal of the case would be put in in bar of any criminal proceedings that might be taken if the case was re-opened under the Justices of the Peace Statute, or the Criminal Law and Practice Statute. He proposed to take no action in the matter.

MELBOURNE TRAMWAY AND OMNIBUS COMPANY'S BILL.

On the order of the day for the resumption of the debate (adjourned from October 11) on Mr. Gillies' motion "That the report of the select committee on this Bill be now taken into consideration," and on Sir Bryan O'Loghlen's amendment for remitting the Bill to a select committee of the whole House, the House divided. He observed that the clause gave the company power to construct "tunnels," and he wished to know from the honorable member for Rodney (Mr. Gillies), who had charge of the Bill, the object of such a provision. He did not understand that it was contemplated that the company should have such a power.

Mr. GILLIES said he apprehended that the local bodies, who were more interested in the matter than the honorable member for St. Kilda (Mr. Carter), did not consent to the provision without some satisfactory reason. If a cutting were made, and it was afterwards necessary to brick it up, it would become a tunnel.

Mr. BERRY asked the honorable member in charge of the Bill whether it was proposed to give power to the company to alter the levels of streets? (Mr. Gillies—"No.") The reference of the honorable member himself to a "cutting" would lead to the impression that the company would have such a power.

Mr. GILLIES stated that, under the Bill, the company would have no power to alter the levels of any streets.

Mr. MIRAMS remarked that the word "tunnels" was included in the clause simply...
to provide for the case of tramways being worked by a cable.

Mr. McKean moved that the following be added to the clause:

"That the Melbourne Tramway and Omnibus Company shall not alter the level of any road or street over which their rails shall be laid."

Mr. Walsh observed that the proposal of the honorable member for North Gippsland (Mr. McKean) was already included in clause 13, sub-section 3a.

Mr. McKean stated that the provision in clause 13 was that the company should not have power to alter the level of any road "without the previous consent in writing of the local authority." The object of his amendment was to prevent any municipal body from being able to give the company power to alter the levels of streets. It was well known that the municipal councils were often equally divided, and great injury might be done to the public if this matter was left altogether to the local bodies. He was totally opposed to the principle of the Bill, and would do all in his power, fairly and legitimately, to prevent it passing; but, if the House was determined to carry it through, then he intended to provide as many precautions as possible against any dangers it might cause. The "consent in writing" of a municipal council, provided for in clause 13, might be obtained by the efforts of interested shareholders, who might be members of the local body. Not long since an influential shareholder in this company asked him (Mr. McKean) with regard to the probable fate of the Bill. "McKean," said he, "can you find out how the numbers are likely to go—whether the Bill is likely to be passed or not? If it is likely to be passed, I will provide funds to buy up all the shares that I can in the market, for they are sure to advance." The gentleman referred to proposed that he (Mr. McKean) should enter into an arrangement with him to supply him with information, and that they should share the profits. He declined to have anything to do with the matter, and informed the person that he would oppose the passing of the Bill, because, whilst he believed tramways would be beneficial, he considered that the proposal to give the Tramway Company a 21 years' lease of the public streets of the various municipalities would be really a disgrace to the Assembly if it agreed to it, and that, before many years, the public would be crying out against such an unjust privilege having been granted. If tramways were to be constructed, he thought the Government should either undertake the work of constructing them as adjuncts to the railways, or else, if the Government refused to do so, each of the local bodies should be empowered to lease out, at the highest figure they could get, the power of making and working tramways to any company that would undertake the enterprise—this might be some check upon monopoly—and that, in the event of any dispute between the municipalities or rival companies, the Government should come in as arbitrators. That would be a fair and practical way of dealing with the question. It was well known that the shares of the Tramway Company were in the hands of scores of men in leading positions, who could not help being influenced as members of municipal bodies by the fact of their holding shares in the company. He was informed that the company's shares were largely held amongst those who formed the municipal conference which sat in judgment on the present Bill, or their friends, but he was also aware that this statement was denied. He thought it was unfair that any company should have a monopoly of the public streets for 21 years, and it was principally for that reason that he would oppose the Bill. The result of the amalgamation of the three gas companies of Melbourne ought to act as a sufficient caution to the House against granting any further monopolies, and should induce it to keep within its own hands a fair and reasonable control over such bodies.

Mr. Gardiner seconded the amendment.

Mr. Fisher asked the honorable member in charge of the Bill if he would state what was the nature of the final arrangement arrived at by the Tramway Parliament outside the Assembly?

Mr. Gillies said he did not know anything about any Tramway Parliament outside.

The House divided on the question that the words proposed by Mr. McKean be added to the clause—

Ayes: Mr. Barr, Mr. Bent, Mr. Clark, Mr. Fisher, Mr. Gardiner, Mr. Hall, Mr. Hunt, Mr. Langridge.

Noes: Mr. Laurens, Mr. McKean, Mr. Quick, Mr. Rees, Mr. A. Young, Tellers, Mr. W. M. Clark, Graves.

Majority against the amendment 28
Sir B. O'LOGHLEN remarked that honorable members would recollect that, when addressing himself on a previous occasion to this Bill, he pointed out several matters which appeared to him to be of great public importance. In fact, questions of such importance were involved in the measure as to make it, in his opinion, not a private Bill, but in reality a public Bill dealing with great public matters. It was a Bill which did not alone concern the citizens of Melbourne and the suburbs, but the whole population of the colony, because whatever deficit might be caused in the railway revenue by the operation of the measure would have to be made up by the people of the colony generally. He also pointed out, when he spoke previously, that the public interest was entirely ignored in the Bill from beginning to end. He was then asked by the honorable member in charge of the Government railways that, prior to any such construction, the plans thereof shall be submitted for the approval of the Board of Land and Works, and, in case such board shall refuse such approval, such construction shall not be proceeded with, and such refusal shall be embodied in a report and laid on the table of both Houses of Parliament. His proposition was that, before the construction of any one of the proposed lines of tramway, the consent of the Board of Land and Works must be obtained, and, in the event of the board refusing its assent, then it would be for the Assembly to decide the matter. Of course, the Government would be bound to act on the decision of the House if the House considered that the line pay for the railways, so that the interests of the general public had to be considered as well as the convenience of the inhabitants of a particular locality. There was not the slightest doubt that a number of the tramways proposed in the Bill would compete seriously with some of the suburban railways which were constructed or purchased at the public expense. He thought, therefore, there should be some controlling power as to the construction of particular lines of tramway. It was not simply a question between the municipalities and the Tramway Company, or even a question simply of providing increased travelling accommodation for the public. Of course every one was anxious that the public should have increased travelling accommodation if it could be given without detriment to the public interest. But the question which the House had to consider was whether some provision should not be inserted in the Bill to protect the public interest. It had struck him that, as this was the particular clause which conferred on the company the power of making tramways, it would be wise to add to it a proviso which would give a controlling power to the Government, subject to Parliament, with regard to the tramways to be constructed. He believed that the defective working of the large semi-public corporations which had been already created, such as the Metropolitan Gas Company and the Melbourne Harbour Trust, was due to the want of some controlling power over those bodies by Parliament. Of course the Government practically represented the Assembly, and the branch of the Government which had to do with the railways was the Board of Land and Works. In order to provide the controlling power which he thought was required, he begged to move the addition to the clause of the following proviso:—

"Provided always that, prior to any such construction, the plans thereof shall be submitted for the approval of the Board of Land and Works, and, in case such board shall refuse such approval, such construction shall not be proceeded with, and such refusal shall be embodied in a report and laid on the table of both Houses of Parliament."
of tramway objected to should be made. He thought, however, that it was necessary for the protection of the public that there should be some such controlling power as he suggested. The Government, as representing the State, were altogether ignored in the Bill, and the public interests were left entirely to the haphazard arrangements between the municipal councils and the company. Moreover, as he had pointed out several times, honorable members did not actually know what Bill they had to deal with. An extra-parliamentary parliament was sitting outside, practically settling the terms of the measure, and a series of clauses had been handed to him, which, he was told, were likely to be agreed to by the municipal bodies and the company, and which were to be added to the Bill. Honorable members were now asked to pass the Bill in globo as it stood, and subsequently this second part of the Bill was to be tack'd on, and then for the first time the House would really have the Bill of the company before it. At that stage, however, the House would have no power of dealing with the provisions of the measure, and the only question would be whether honorable members would vote for the third reading or not. He tried to induce the House not to give up its powers, and to thrash out the Bill fully in committee, but, that proposition having been defeated, it was now simply his duty to point out to the House the various proposals in the Bill, as they arose, which appeared to him to affect the public interest, and then, if the House decided against his views, it would do so with its eyes open, and he would be relieved of all responsibility in the matter. It appeared to be the will of the House—that he did not know whether honorable members had yet really grasped the situation—that the Bill should be swallowed in globo, and that the Assembly should act simply as a court of record for a Parliament sitting outside. He would merely, therefore, confine himself to pointing out the defects in the Bill which struck him, and it would be for the House to accept his views or not, as it thought fit. The first defect, as he had already pointed out, was the want of some controlling power, and he proposed to remedy this by the proviso he had submitted. Of course it would be very difficult for the Board of Land and Works to refuse the construction of any particular line of tramway, but still the existence of the power given in the proviso would be some kind of check upon the construction of a tramway line that might be immediately in competition with a line of railway. (Mr. Mirams—"Why don't you shut up the omnibuses on such a line?") The honorable member would see that the roads were made for ordinary vehicles, and if tramcars were ordinary vehicles, requiring nothing more than the use of the road, there would be no necessity for this Bill. He thought honorable members would see the necessity for having some power in the Government and Parliament to control the Tramway Company and the municipalities in the exercise of their powers under this measure. (Mr. Mirams—"To prevent the company from competing with the Government?") He did not say that the power would be exercised to prevent all competition. The Board of Land and Works, which was practically the Minister of Railways, would have carefully to consider what was really damaging competition and what was not. He (Sir B. O'Loghlen) had no doubt that in the course of seven or eight years, or perhaps less, the loss that would occur to the suburban railways from the success of the tramways would be made up, because it was found that increased accommodation for the public always produced increased business. All he asked, therefore, was that the construction of the tramways should be under the control of the Government, subject, of course, to Parliament, so that if there was any particular line proposed—he did not want to specify any line, as, of course, he would have the inhabitants along that particular route in arms against him—which would seriously compete, for the present, with one of the suburban railways, the Minister of Railways could stop the construction of that line until Parliament had a voice in the matter.

Mr. BENT seconded the amendment. The people of this country had spent over £20,000,000 on the construction of railways, and it was proposed in the Bill to hand over the results of a great portion of that expenditure to a company. They had already had experience of the consequences of this kind of legislation in connexion with the Hobson's Bay Railway Company, who managed to sell out their railways at more than twice their value. He ventured to say that, if those lines were fully equipped, they would not return a profit to the State for the next four or five years of 2½ per cent. If this Bill was carried, the same thing would be repeated. In 1880 the Government allowed the Telephone Company to commence operations, and now that company were working against the Government telegraphs. The next thing would be that the Government would have
to buy them out. If the Melbourne Tramway Company got their Bill passed, they would get what was equal to £200,000 handed over to them, for he ventured to say that, the minute the measure became law, a monopoly would be created to which that granted to the Gas Company would be as nothing. The shares, which were now at a very low figure, would immediately be worth 25s. each. In New South Wales the Government tramways were returning a profit of 18 per cent. per annum. (Major Smith—"And wretched tramways they are.") If wretched tramways would pay 18 per cent., what would decent tramways pay? The splendid roads in the city and suburbs were the property of the people; public money was expended in making them, and yet it was proposed to hand them over, as a kind of freehold property, for the use of the Tramway Company. (Major Smith—"Will you bring in a Tramway Bill next week?") He believed it was the duty of the Government to introduce such a Bill. This Melbourne Tramway and Omnibus Company was not the only company in the world. If the matter was open to competition he could understand it, but the House ought to know that another company offered the other day to lay down rails, to use the most modern style of car, and to hand the whole concern over to the Government at a small sum above the cost price. Surely there would be no objection to the amendment of the Premier. (Mr. McKeen—"Let the Government bring in a measure dealing with the broad question of tramways.") The Government had their hands pretty full at present. The tramway question appeared to be an open one with the Government, and he was, therefore, only expressing his own individual opinion when he said that, after spending over £200,000 on railways in the colony, he failed to see why Parliament should rush the public into tramway cars. (An Honorable Member—"What does the honourary member of the Government say?") The honorable member for Richmond (Mr. Smith) believed that the tramways would reduce passenger fares, and would be beneficial in the interests of the public. He was just as strongly in favour of handing the privilege of constructing and working tramways over to a company as he (Mr. Bent) was opposed to it. Each of them, however, as independent members of the Government, was entitled to his opinion, the question being an open one.

Mr. PEARSON remarked that he agreed with the general view submitted by the Premier, but he was sorry that he would be unable to support the amendment. He quite concurred with the Premier in believing that the House, in dealing with the Bill, had considered every interest except that of the public, but at this stage it could not be said that the Government were unrepresented. The schedules to the Bill showed what lines were to be made, and he did not see why the Government should have power to prohibit the construction of them after the Bill was passed, on the ground that to carry them out would be injurious to the public interest. A serious aspect of the question had been put forward from the Government side of the House, and it involved a very important principle. Honorable members were told that the tramways would run in competition with the State railways, and that the public treasury would suffer thereby. At the same time, it should be remembered that what the public lost, or rather what the State did not receive, in one direction, the taxpayers would obtain in another, so that it was merely an affair of book-keeping, and not of actual loss. The community would be compensated by the increased means of locomotion afforded it. It was incumbent on the Government, however, to watch the Bill most carefully in order to see that, if the State did lose in one direction, it would gain in another. The Gas Company's Bill had been alluded to in the course of the discussion, and he did not wonder at it, for he did not think the community ever lost more by a private measure than it lost by that Bill, the principal reason being that proper supervision was not exercised over the drafting of it. The introduction of the amendment proposed by the Premier was not the constitutional way of seeing that the State received the compensation which it was entitled to. The object might be accomplished in one of two ways. The Government might demand that a fixed fare of 4d. per passenger be charged by the company, so that the tramway lines might not compete with the State railways. This was not a course which he would advocate. He would rather prefer the second course, which would be to charge 2d. per passenger, so that the travelling public might receive the greatest possible benefit. It was in this direction that the activity of the Government ought to be exercised, and care ought also to be taken to provide for compelling the company to run cars on unprofitable lines, as well as on those which returned them large profits. His own feeling was that the advantages to public traffic
would be heightened by the construction of tramways, and the consequent increase of population, and that the tramways would act in many cases directly as feeders to the State railways.

Sir J. O'SHANASSY considered the amendment of the Premier a most extraordinary one, because, if the honorable gentleman and his friends desired to prevent the construction of tramways at the present time, they could not have proposed a more effectual method of obtaining their object. After the company or the municipalities had raised the capital necessary for the construction of tramways, the Minister of Railways for the time being, who was practically in this case the Board of Land and Works, the Government, and the Parliament, might step in and say—"I will not allow any tramways to be constructed," and the whole thing would fall to the ground. What was to be done in such a case with the capital which had been raised? Was it to be returned to the shareholders or held by the company until some more compliant Minister of Railways gave permission for tramways to be constructed? English legislation had been referred to, but there was nothing more contradictory of English legislation than the amendment which the Premier had moved. At home, a company could deal directly with a corporation in reference to the construction of tramways. If the corporations refused to allow the tramways to be constructed either by a company or by their own officers, the Board of Trade was called in, and that body allowed the company an opportunity of showing whether they had a good case or not. The board also sent down an officer to inquire into the matter, and, if they were satisfied that the lines were required, they introduced a Bill into Parliament to enable the company to construct them. Surely it would be better to adopt the English mode of doing business than to constitute the Executive Council a Board of Trade, and empower the Minister of Railways to exercise a veto. The evidence given before the select committee showed conclusively that, instead of injuring the suburban lines of railway, the proposed tramways would act as feeders to them. (Mr. Langridge—"What if the tramway ran side by side with a railway?") The two kinds of line would not run side by side as a rule; but where they would do so, his experience went to show that the public would be greatly benefited thereby. Take, for instance, the Hawthorn line, with which he was well acquainted. At present the trains on that line ran only every half-hour at certain periods of the day, and every hour at other periods. If a tramcar was made available between the trains, the public would be able to travel more frequently between Melbourne and Hawthorn. They would take the tramcars for one journey and the trains for the return, so that the railways would be benefited even in that case. It had already been seen that the moment the omnibuses began to run they reduced the fares charged by the cab-men, and yet omnibuses were vastly inferior as regarded comfort to tramway cars. In fact, they were now out of date, so far as convenience, comfort, and appearance were concerned, and if they were superseded by tramcars, the travelling public would be the gainers, and the traffic would be immensely increased. Could there be anything more humiliating to Members of Parliament than to provide that after they had taken all that trouble to authorize the construction of some 43 miles of tramway in the city and suburbs, after the consent of the ratepayers had been obtained, and after by-laws and regulations were framed and drawn up, the triangular duel could be ended by the Minister of Railways saying "No" to the whole affair? Could this be called legislation? The Government would not make the tramways, the municipalities would not undertake the work, and, apparently, every obstacle was being placed in the way of private enterprise stepping in to overcome the difficulty. Melbourne was almost the only city in the world of any importance which had not the advantage of tramway communication with its suburbs. The House ought to see that, failing all other means of obtaining tramways, a private company should be authorized to construct them. To his mind, the amendment of the Premier was quite indefensible.

Mr. FRASER said that he also regarded the amendment of the Premier as an extraordinary one. It was quite right that the honorable gentleman should look after the interests of the State, and any action having the protection of those interests in view would receive the support of the House. But the amendment appeared to have an altogether different object. Had the honorable gentleman simply moved that the lines which would come into competition with the State railways be struck out of the schedule, his position would have been intelligible, and there would have been some reason for believing that he was actuated by statesmanlike motives, but his present proposition was without rhyme or reason.
Without any evidence, and merely from party motives, he would throw the whole thing to the winds. It was most preposterous that the Minister of Railways should be allowed to sit in his chair, and, in a high and mighty manner, veto tramways which the whole people were clamouring for. Surely the municipal councils and the people at large were quite able to look after their own interests. If the Government were determined to obstruct the Bill to the end, the best course for the House to adopt would be to throw it out at once, and have done with it. To prolong the agony was not fair either to the promoters or to the public.

If at large were quite able to look after their own interests, surely that the public would be driven to use railway? According to the argument used by the honorable gentleman, because the State had invested money in the construction of railways, the people should not be allowed to make use of this new discovery? (Sir B. O'Loghlen—"I do not say so.") The argument of the honorable gentleman was that, because the tramways would deprive the railways of a certain amount of traffic, their use should be prohibited. But why would the public choose to ride in the trams in preference to the railways? If they did, it would be because they would best serve their own interests by doing so. The honorable gentleman appeared to take the position of telling the people that they must use the means of locomotion which the State had provided for them. He (Mr. Walker) had not the slightest feeling either one way or another in regard to the Bill. If it could be shown that it would grant undue privileges to the company who were promoting it, and that it disregarded the public interests, he would be the first to oppose it. If that could yet be shown, he would either have the Bill amended or vote against it altogether. Tramways had been talked about for years, and neither the Government nor the municipal authorities had ever offered to construct them, so that, if the Melbourne Tramway and Omnibus Company's Bill was thrown out, it was not probable that tramways would be constructed at all. The argument of the Premier, if it was carried to its logical conclusion, would apply to the practice followed at the Sandridge pier, which was used by private persons, who took goods from vessels berthed there, by means of lorries. It might be urged that the lorries came into competition with the railways, and the Premier, to be consistent, should say that the State would refuse to maintain the pier for such a purpose. The private persons who went with vehicles to remove their goods should, if the Premier acted upon his own argument, be either compelled to pay toll for the use of the pier or be prohibited from using it altogether. On the same principle, the Government might say that the Harbour Trust should not be allowed to deepen the river because they would thereby enable large vessels to come to Melbourne, instead of being compelled to unload at the railway piers. Notwithstanding all the talk about the disgraceful way in which the late Hobson's Bay Railway Company managed their
lines and carried on their traffic, there were never so many complaints about mismanage-
ment under their régime as there were at
the present time, and he held that a very wholesome effect on the management of those lines would be produced if some competing agency was brought into play. It was said, for instance, that ladies were obliged to travel in smoking carriages or be left behind. (Mr. Nimmo—"That is not so.") It was also said that scores of people were reduced to the necessity of standing in the carriages, owing to the want of proper accommodation, and that very frequently people in half-
empty trains started from large and most accessible platforms, whilst the pas-
engers in trains which entered the station at Flinders-street were deposited at plat-
forms where the gangways were so narrow that it was several minutes before some of them could get away.

Mr. KERFERD remarked that the amendment proposed by the Premier and his speech on the subject did not at all coin-
cide—they were two totally different things. From what he said, it was to be gathered that he wished to see the Board of Land and Works, which he defined to practically mean the Governor in Council, able to determine whether the will of Parliament as embodied in an Act of Parliament—in this Bill when it became law—should be carried out or not. It would, however, surely be admitted that the tendency of feeling in this Chamber—it was certainly so in another place—was to re-
gard the powers of the Governor in Council as too great already. At the same time, to carry out the Premier’s idea would make those powers greater than ever. It would establish an authority above that of the Legislature, and so far completely contravene the model of the Imperial Government. In short, the whole plan was so thoroughly in-
imical to the Victorian system of responsible government that he (Mr. Kerferd) fancied the honorable gentleman could not have given the view he expressed all the consideration it deserved. On the other hand, it was to be noticed that that view was by no means embodied in the proposition the Premier had submitted, because that simply contained a principle that was acknowledged in a variety of Acts relating to waterworks, gasworks, and the like. The Premier’s proviso would merely give to the Board of Land and Works supervising powers with respect to tram-
ways which had been frequently given to that body with regard to a number of other undertakings. It would enable the board to approve or disapprove of certain plans laid before them, and of course, whenever it disapproved, it would have to assign some cause for the disapproval. So far, then, there was a clear distinction be-
tween the Premier’s speech and his amend-
ment, the latter being a really very harmless kind of thing. But at this point there arose another question, namely, why should this particular duty of supervision, this power to approve or disapprove of plans—relating perhaps to a tramway along Bourke-street—be cast on the Government of the day? (Sir B. O’Loghlen—"The Board of Trade has the power at home.") But the Board of Trade was not Her Majesty’s Ministry. (Sir B. O’Loghlen—"Every Minister of the Crown at home is a member of the Board of Trade.") They were members of it ex officio, but it was not a body analogous to the Min-
istry. Besides, questions of a very harmless character in the hands of the Board of Trade might, in the hands of the Board of Land and Works in Victoria, become matters of serious Ministerial importance. Every one familiar with the exigencies of Ministerial life in this country would admit that the fate of a Government might hang upon whether or no a tramway should be laid along Elizabeth-street. At the same time, of what real moment was it to the Govern-
ment of the day along which street this or that tramway ran? Parliament, in its wis-
don, had vested the control of each street in the local governing body of the district, and, it being highly proper that the supervising power which the proviso referred to should be held by some one, the only reasonable plan appeared to be that it should be held by the local governing body concerned. (Sir J. O’Shanassy—"That is already arranged for under the Bill.") If that was the case the Premier’s proviso was altogether unnecessary. It came then to this—first, that it was most important that there should exist some-
where a power to compel the Tramway Com-
pany to do their work efficiently, that was to say, to make the fullest possible return with respect to the way they constructed their works for the very great privileges granted to them; secondly, that it would be absurd to give any body power to refuse the Tramway Company permission to construct a line authorized by Act of Parliament with-
out assigning reasons for the same, which might or might not be met or removed; and, thirdly, that to give such discretion power to the Ministry of the day, of all bodies, would be an outrageous proceeding, which it was impossible for Parliament to consent to. Passing from this question,
there arose that of the Premier's original point of disagreement with the Bill, namely, that the lines to be constructed under it would compete with the existing lines of railway. (Sir B. O'Loghlen—"Some of them will.") It was a good thing that the Premier made the admission that only some of the proposed tramway lines could possibly compete with the Government railways, because it led the way to the suggestion that he should propose to strike out of the Bill all the tramway lines the Government were afraid of. Indeed, he ought to feel pressed by a sense of moral obligation to make such a proposal; but he did not make it—why? Because he knew the extreme difficulties of a political nature attaching to his taking up any position of the kind. Again, supposing the power of preventing the construction of a line were placed by the statute-book in the hands of the Government of the day, how could they exercise it? How, if the Executive were unable to resist the Yarra Bank lessees, would they be able to resist the most powerful public company in the colony? Would it not be better for the Government to take the responsibility of stamping out the life of the company rather than to seek for controlling powers over tramways which they would always be unable, for fear of the consequences, to exercise? The power sought for in the Premier's proposal was a highly proper one, though it should be vested in the local bodies rather than in the Government; but the power sought for in the Premier's speech was a totally unconstitutional one, because its effect would be to enable the Government for the time being to say whether an Act of Parliament should or should not be carried out.

Mr. BERRY thought the honorable member for the Ovens (Mr. Kerferd) was not a little inconsistent in saying, first, that he would accept the Premier's proviso, and then, half-an-hour afterwards, that he wanted to substitute the local bodies for the Board of Land and Works. Surely to make the latter statement was tantamount to disagreeing with the amendment altogether. The Premier's object being that the Government, as the representative of the House, should have some power in the construction of tramways, it would be utterly defeated if that power were given to the local bodies. Besides, the Bill already conferred upon the local bodies a variety of powers of the kind. On the other hand, while he (Mr. Berry) sympathized with the object the Premier had in view, he did not think it would be in any way effected by carrying the amendment.

For example, if the honorable gentleman shrank now, because of the probable political results, from striking out of the Bill the lines he thought would interfere with the State railways, how much less would he be ready to decide that lines already authorized by Parliament should not be constructed? The political consequences likely to follow from the former proceeding would not be anything like so great as those likely to follow the latter one. Did the honorable gentleman think that the Board of Land and Works of the future would be possessed of a moral courage which was wanting at the present exigency in himself? Such an eventuality was not at all likely, and consequently the Premier's amendment might be regarded beforehand as utterly a dead letter. (Sir B. O'Loghlen—"Try it.") Why try it? If the Bill proposed to give the Tramway Company a general power to construct lines of tramway, the proviso would be intelligible enough; but, as a matter of fact, they would only be able to construct certain lines which the measure carefully specified. Then it was greatly to be regretted that the Government did not take steps for the protection of the interests of the public under the Bill at a much earlier stage. If the Premier and the Minister of Railways were both of opinion that the public revenue would suffer under the Bill, why did they not long ago adopt a decided course with respect to it? For instance, why was not the Government represented by counsel before the select committee on the Bill? (Sir B. O'Loghlen—"This House is the proper committee.") It was pointed out long ago that unless the Government took up the tramway question themselves, and caused the select committee to go thoroughly into it, broadly and generally, at the expense of the country rather than that of a private company, their hands would, when the measure left the committee, be utterly weakened and powerless. (Sir B. O'Loghlen—"We did our best.") Well, he (Mr. Berry) believed that if the Government took a stand now against the Bill they would be defeated. As for the example set by the Imperial Government with respect to tramways, it was not at all one for the colony to follow. Was it to be supposed that if the interest in railways of the Imperial Government was analogous to that of the Victorian Government—that if the Imperial revenue interests were threatened by tramways in the same way as those of Victoria were threatened—the course pursued on the subject in England would not have been vastly different from
Melbourne Tramway and [October 18.] Omnibus Company's Bill.

what it was? The Government here had let everything go by the run. They first allowed the Bill to be read a second time by a fluke, and then, without offering any serious opposition, to go to a select committee of its friends. (Sir B. O'Loghlen—"The honorable member was almost as much a consenting party as anybody else.") What were the Opposition to do if the Government refused to exert themselves? In a matter like the present the Opposition were as much supporters of the Government as any other section of the House. Why, at least, did not the Government decline to take power under the Railway Bill to construct suburban railways until they had first ascertained the extent to which the suburban railway interest would be injured by tramways? It was, however, pretty clear now that the Tramway Company's Bill would pass without the Government being able to efficiently protect the public interests in the way they ought to be protected, and the Premier professed to desire to protect them. With regard to tramway fares, however, surely something might be done. Although, under existing circumstances, with the strongest possible competition going on, the omnibus and cab fares were 3d. per head, the price of omnibus tickets, if bought by the dozen, being 2½d. each, the charge the Tramway Company would be entitled to make under the Bill, when all competition would be quashed, because the waggonettes could never stand against the more convenient and superior tramway cars, would still be 3d. per head. True that would be the maximum figure, but what means did the Bill provide for the reduction of the maximum? With this fact before them, why did not the Government, instead of aiming at impossibilities, make a strong attempt to bring down the maximum to 2d. per head? If they were successful, although the company's monopoly would be complete, something for the public would be secured from them.

In Sydney, the charge of the Government in connexion with the expensive steam tramways of that city was only 2d. per head, or less. Yet the tramway revenue paid from 10 to 20 per cent. profit on the money invested. One way in which a reduction of the charge to that limit in Victoria would operate ought not to escape attention. It would operate with respect to the general public as a means of saving, which would serve in some manner as a set-off to taxation, and especially to the taxation that would have to make up for the loss to the State, through its railways, which tramways would inflict. In fact, the course he (Mr. Berry) was now advocating seemed to be almost the only practical one with relation to the Bill the Government had open to them to take in the interests of the public. He was perfectly sure they would not be able to get the proviso adopted. Undoubtedly it might have been a question whether tramways should not form part of the Government railway scheme. (Mr. Gillies—"Not tramways under the Government.") Yes, tramways under the Government. Why should they not be under the Government? Why should not the Government take the city and suburban tramways, and work them with the railways, or let the Tramway Company take the suburban railways as well as tramways into their hands? (Mr. Gillies—"Not one-third of the House would vote for any such arrangement.") That was not a convincing argument, seeing that every Assembly was bound, after sitting three years, to have lost a good deal of the keen interest in the general welfare with which it started. An expiring House was not always the best exponent of popular feeling. Nevertheless, he firmly believed that, if the country were polled on the subject, a large majority would be found to be in favour of one course or the other. (Mr. Gillies—"The public think the Government have too much in hand.") The honorable member might be right. It might not be desirable for the Government to have the control of the suburban traffic either by railway or tramway; but what he wanted to impress on honorable members was that, as the State had expended between £1,000,000 and £2,000,000 on suburban railways, and was going to construct more suburban lines, they should not pass a Bill which would enable a private company to take the cream of all the suburban traffic. It might be a good thing for the riding public of Melbourne and the suburbs, and also for the Tramway Company, if the Bill was passed, and it might likewise even be an advantage to the corporations of Melbourne and the suburbs, but honorable members, as representing the whole community, would not be doing right in expending money upon suburban railways on the one hand, and giving a private company a large portion of the suburban traffic on the other hand. That was the position which he took up in regard to the Bill. If the measure was passed, as he believed it would be, the Government really ought to reconsider the propriety of going on with the new suburban lines authorized in the Railway Construction Bill. When the omnibuses were started a panic took place in the Hobson's
Bay Railway Company's shares, and that was the first cause of the company being disposed to sell their undertaking to the Government. The starting of the omnibuses was the first note of warning which made the company begin to think that their property would not be so valuable in the future as it had been in the past. (Mr. Gillies—"That does not agree with the dates.") The proposed tramway would be a greater blow to the Government suburban railways than the omnibuses were to the Hobson's Bay Company's lines. (Mr. Gillies—"That is against the evidence.") All the evidence in support of the Bill might be looked upon with a great deal of suspicion. The Government were not represented before the committee. The view of the case that he took, and which the Premier took, was not represented. (Mr. Gillies—"Your view is merely an unsupported statement."). He did not see how it could be said to be unsupported, because it stood to reason that if people could be taken by tramcar from their own door to any part of Melbourne they wanted to go to they would not walk, perhaps, half a mile to a railway station in order to travel by train, and then probably have to walk a considerable distance after leaving the train before they could reach their destination. (Mr. Patterson—"Why should they not have the alternative?") He had not said a word against tramways, or contended that their construction ought to be delayed; but the honorable member for Castlemaine (Mr. Patterson), who had been a strong advocate of the Tramway Company's Bill from the very first, had evidently lost sight of the fact that the general body of taxpayers, including those of Castlemaine, would have to make up any deficiency in the railway revenue caused by allowing the company's tramways to compete with the suburban railways. He (Mr. Berry), however, did not think that the proviso proposed by the Premier would at all meet the case. If the Bill gave the company a general power to make tramways, such a proviso might be a very proper one; but the measure specified the particular tramways which the company proposed to make. Why, then, should the Premier seek to throw upon others a responsibility which he would not take himself? A proviso of the kind submitted by the Premier would be a very useful one to insert in the Railway Bill; indeed it was far more necessary that the power which it would give to the Board of Land and Works should be exercised by that body over the 60 or so lines contained in the Railway Bill than over the proposed tramways. If the Premier would move the omission of those tramways which would compete with the suburban railways, he (Mr. Berry) would support the proposal; but he did not believe that Parliament ought to shirk its own responsibility by adopting the course suggested by the honorable gentleman. Honorable members were asked by the Bill to assent to the construction of certain tramways, and, if they passed the measure, and thereby sanctioned those tramways, it would be unfair for them to give the Board of Land and Works the power to prevent the making of any of the tramways. The Premier, in fact, was endeavouring to impose either on his colleagues or their successors a work which he had not the courage to perform himself, or else he was merely trying to obtain a seeming victory by getting a provision inserted in the Bill which would remain a dead letter after the measure became law. While he (Mr. Berry) opposed the amendment, he would be very glad if the head of the Government could hit upon a plan by which the public interests would be conserved, and he did not see any other than the reduction of the maximum fare to be charged by the Tramway Company from 3d. to 2d.

Sir C. MAC MAHON remarked that honorable members were really placed in a position of great difficulty, owing to the Government entering into mercantile speculations. For several weeks past the Ministry and the House, instead of being occupied in attending to what was really the public business of the country, had been engaged in a private mercantile discussion as to the likelihood of a profit being derived from certain railways to be constructed by the Government. A number of lines had been authorized which would not benefit the public. The absurd and ridiculous line to Fern-tree Gully would not pay 1s. profit in the next 20 years, and many of the other lines in the Bill would be equally useless. Indeed, he did not think any honorable member would invest a shilling of his own in a single line passed this session; and yet, when a company who had benefited the public for years came forward and offered the public greater travelling convenience, and an improved mode of conveyance, they were immediately met with the utmost opposition. He could understand why the honorable member for Geelong (Mr. Berry) felt so strongly in regard to competition with the suburban railways, because it was a Government of which the honorable member was the head that purchased the Hobson's Bay Company's railways at an

Mr. Berry.
extravagant price. He (Sir C. MacMahon) sold one of those railways to the company for half what the Government gave for it, and at the very time that the Government purchased the lines from the company he could have got them for considerably less than was paid to the company for them. The fact that the Government of the day bought the lines of the Hobson’s Bay Company at an exorbitant price was no reason why the public should be deprived of the benefit of tramways in Melbourne and the suburbs. The question of the maximum fare which the Tramway Company should be allowed to charge was another matter, but he objected to the Government grasping at a monopoly of the whole of the carrying trade of the colony. Honorable members ought to legislate for the public interests of the colony at large, and he did not hesitate to say that those interests were not mixed up with the Government making money. It was the duty of the Government to provide for the protection of life and property, and to take steps to raise the necessary taxation for those purposes; but he was one who believed that commercial speculations ought to be left to private individuals. He objected to the amendment proposed by the Premier, because he thought that it would place an improper power in the hands of the Board of Land and Works.

Mr. NIMMO considered that the amendment was a very reasonable one, and that it should have been in the Bill when it was first presented to the House. There was nothing new in the power which the amendment proposed to vest in the Board of Land and Works, because a similar provision was contained in the 32nd section of the Act which authorized the Hobson’s Bay Railway Company to make their lines. In fact, the adoption of the amendment would be a wise precaution. Honorable members were probably not acquainted with many of the tramway routes set forth in the schedules to the Bill, and, after the measure was passed, it might become apparent both to the Government, to the municipalities more immediately concerned, and to the public at large that evils were likely to arise from the construction of some of the proposed tramways. In that case, it would be a great advantage if the Board of Land and Works exercised the power proposed to be given to them, and stopped the tramways which were objectionable before any money was spent on them, and before any claims for compensation could arise. For instance, one of the proposed lines did not meet with the approval of the inhabitants of Emerald Hill, who would prefer the tramway being constructed along a different route. In other suburbs, also, it might be desirable to have some of the tramways taken along other streets than those proposed in the Bill. Many contingencies might arise in which the exercise of the power which the amendment would confer on the Board of Land and Works would be of great public utility. The amendment provided an easy way of settling difficult questions, and of dealing out justice to the various municipalities through which the company proposed to construct tramways.

Mr. MUNRO said the argument of the honorable member for Emerald Hill (Mr. Nimmo) in favour of the amendment was that it would give the Board of Land and Works the power to decide that a tramway should not go along one street, but be shifted into another. That, however, could not be effected even if the amendment was carried. The Bill provided for the construction of tramways along certain routes, and there was no power to substitute other routes for those specified in the measure. The select committee inserted an amendment to allow such alterations, but, after further consideration, they arrived at the conclusion that they had not the power to make such an amendment, and it was struck out. (Sir B. O’Loghlen—‘A new clause can be put in.’) No doubt, but he was speaking of the Bill as it stood. It had been stated that every member of the select committee was in favour of the measure, but that was not the case. He was not even now in favour of the Bill. It was true that no one who voted against the principle of tramways was put on the committee, and it was quite right to exclude from the committee those honorable members who objected to tramways altogether. He was placed in a very false position in regard to the Bill by what had taken place both in the House and out-of-doors with reference to the measure. His desire was that, if the Bill became law, it should be for the general benefit of the public; but the whole tendency of what was going on out-of-doors in connexion with it was to benefit the municipalities, and not the public. What right had the municipal councils to derive a profit from the payments to be made by the travelling public? (Mr. Blackett—“They simply propose to take a toll.”) They had no right to take a toll from the travelling public. If the Bill became law, the ratepayers would be saved enormous sums of money in the maintenance of the streets out of the pockets of the
travelling public, and there was no reason why, in addition to that saving, they should make a profit out of the travelling public. In his opinion, in order that justice might be done to the Tramway Company, and to everybody concerned, the measure ought to be taken out of the ordinary run of private Bills, and proper time devoted to its consideration. He would like to see it dealt with on its merits, and amended in such a way as the House approved of without any regard to the municipal bodies. He really did not understand a committee sitting outside and haggling with the company as to the price which should be paid to the municipal bodies. He really wanted that there was a difficulty in their arriving at any satisfactory conclusion at all. His opinion was that they ought to try to convenience the public as far as possible, and that the municipal interests should not be considered in any shape or form. So long as the ratepayers got a fair return from the company for the money expended in making the streets, they were entitled to no more. He would not have the least objection to the Premier's amendment if it was of any value, but it was not of any value. The honorable gentleman stated that it was to prevent certain tramways being constructed. He did not say so in the amendment, but he said so in his speech. (Sir B. O'Loghlen—"To stop some of the lines for a time.") The manly and straightforward way would be to say which lines it was intended to stop, and to erase them from the Bill. The line from the Flinders-street railway station to Brunswick would be the most likely to compete with the railways. Was the Minister of Railways prepared to say now that he would take the responsibility of preventing the company making that line if he had the power to do so? (Sir B. O'Loghlen—"It would be matter for consideration.") He wanted either responsibility, or no amendment for the purpose desired by the Government. Was the Minister of Railways prepared to take the responsibility of preventing the construction of a tramway to Brunswick? (Sir B. O'Loghlen—"When the time comes, that will be determined.") The proper time was the present. If the Government believed it to be their duty to stop the construction of a tramway to Brunswick, let them say so. The people of Brunswick, through their representative, would then have an opportunity of saying what they thought of it, and other honorable members would be able to speak on the subject. As to the Hobson's Bay Company's lines, he had as much to do with their purchase as the honorable member for Geelong (Mr. Berry) had, or perhaps more. He never believed that they would pay—the company's influence in the Legislative

Mr. Munro.
Council was so strong that honorable members of that Chamber would not accept any proposal for bringing the Gippsland line into Melbourne except that involved buying the company's property. The Government of the day, in fact, were compelled to purchase the Hobson's Bay lines; they could not help themselves. In conclusion, he desired to say that the difficulty in connexion with the Tramway Company's Bill was caused by the municipal bodies, on the one hand, trying to get all they could from the company, while the company, on the other hand, were endeavouring to protect their own interest, and by the new element now introduced of the Government seeing what amount of toll they could get. Honorable members ought to make the Bill as good a measure as they could in the interests of the public, leaving the company, the municipalities, and the Government out of the question altogether.

Mr. HALL stated that he was not opposed to tramways, but he objected to the creation of a monopoly. He was inclined to think that some of the proposed tramways would seriously injure the traffic on the suburban railways. Indeed, he believed that the Railway department, by its "diseased activity," was courting competition on every hand. Several matters had occurred within the last few months to justify the conclusion that the travelling public would prefer the proposed tramways to the suburban railways. In the first place, a private company would not annoy their customers by such a nuisance as the barrier system in connexion with the railways, of which the public were complaining bitterly, nor by the absurd regulations prohibiting smoking. Again, travellers by tramways would not have such hindrances put in their way as little poking ticket-windows, and by being huddled together in badly-lighted and dirty carriages. Another reason why the Government might fear competition on the part of the Tramway Company against the railways was that at present a certain amount of uneasiness was felt by the travelling public in regard to some of the railway lines. He had heard it stated that some of the insurance companies were considering the propriety of raising the premiums on life policies for persons who were in the habit of travelling by railway. There was no such uneasiness felt by persons who travelled in omnibuses as there was by those who travelled in railway trains. He hoped that the complaints which prevailed against the Railway department would induce it to endeavour to manage the railways better, and promote the comfort and convenience of the passengers.

Mr. WALSH said it had been stated more than once that the members of the select committee which considered the Bill were appointed because they were staunch friends of the measure. As far as he was concerned he could give that statement a distinct denial. On the second reading of the Bill he indicated certain objections he had to it, and stated that he would hold himself free to vote against the third reading, unless the Bill was altered in the direction he desired. He could say that, during the consideration of the Bill by the select committee, the promoters showed every inclination to meet the wishes of the committee with respect to the amendments that were proposed in the interests of the public; and the Bill had been amended in so many particulars by the committee that he could not help thinking that a large number of honorable members who were formerly opposed to it were impressed with its value and importance as it now stood. Every reasonable amendment suggested was agreed to by the promoters, and he thought it came with an exceedingly bad grace from the Government at this, the eleventh hour, to offer opposition to the measure instead of assisting the House to make whatever amendments in it might be considered necessary, so that it might be passed into law, and the much-needed improvement of tramways introduced into the metropolis. The amendment of the Premier was really of such an extraordinary character that he (Mr. Walsh) could not conceive for a moment that it would receive the support of the House. The practical effect of the amendment would be to give the Board of Land and Works—in reality the Minister of Railways of the day—the power of overriding the decision of Parliament. Parliament was to sanction the construction of certain lines of tramway, yet the Minister of Railways was to be able to veto the construction of any of those lines. He (Mr. Walsh) thought it would be most unwise, not to say absurd, to place such a power in the hands of a Minister of Railways, and he certainly did not think the possession of such a power would be at all agreeable to any Minister of Railways, as its exercise would render him unpopular in the districts to which he refused tramways. A great deal of attention and consideration had been given to the Bill by the select committee, and every amendment made was in the interests of the travelling public, and not in the interests of the company. Many very important concessions had been made by the
promoters of the Bill, and he thought that any one who went carefully through the measure as it now stood must come to the conclusion that it would be a great benefit to the travelling public and a great boon to the inhabitants of Melbourne, and that it would be only by the exercise of great skill and good management that the promoters would be able to secure a financial benefit to themselves. He hoped the Premier would withdraw his amendment, and that the Government, instead of exercising their great power to oppose the Bill, would render assistance in getting it passed as soon as possible.

Mr. MIRAMS considered that the Premier had not done justice to himself or to the House by proposing his amendment in the way he had proposed it, especially when it was taken in connexion with the speech with which he had accompanied it. If the amendment was meant to accomplish what the Premier seemed to desire, it was due to the House and the country that he should state distinctly and definitely the object he had in view. If he wished to prevent certain lines being constructed on the ground that they would interfere with the revenue from the railways, then he should name those particular lines and submit his proofs that they would have the effect he had indicated. Honorable members ought not to be dealt with as if they were children, and treated to mere assertions without any attempt to support them with facts. If the Premier had waited until the House came to deal with the 1st schedule of the Bill, and then told the House that there were certain lines of tramway in that schedule which, in the interests of the public revenue, he was bound to oppose, he would then be compelled to produce facts to justify his opposition in the eyes of the House and the country. It was because he felt he would be in a difficulty in taking that stand that he refused to accept the responsibility of doing so, and therefore he sought now, by a side-wind, to accomplish the object he really had in view. The Premier had stated that the object of his amendment was to enable the Government of the day to delay the construction of certain lines for a time only.

What was the delay for? Was it in the interests of the public? If it was for a time, then for how long a time? If it was in the interests of the public to delay one of these lines for six or twelve months, would it not be equally or more in the interests of the public to delay it for ever? What was the use of giving any Government the power simply to delay, for the sake of delay, the construction of a tramway which they would have to consent to in the long run? If any particular tramway was inimical to the interests of the public, why should not the Premier put his finger on it when the House came to the 1st schedule, and ask that it should be struck out, giving his reasons and facts for doing so? When he (Mr. Mirams) spoke on the second reading of the Bill, he said what he repeated now—that it was the duty of those who declared their opposition to the proposed tramways, on the ground that they would interfere with the Government railways, to prove the position they took up, and not to confine themselves to mere assertion. The House would then be in a position to test the merits of the question, but, under the guise of giving the Government an opportunity of controlling the Tramway Company, the House was now asked to place in the hands of the Government a power which, as the honorable member for Geelong (Mr. Berry) had clearly pointed out, no Minister of Railways would have the moral courage to exercise if the present Government had not the moral courage to take the initiative in the House that evening. The honorable member for Emerald Hill (Mr. Nimmo) wished the House to understand that by the present amendment the Government would be able to interfere with the route of a particular line of tramway, but that was quite a mistake. The Government would not be able to interfere with the course of any tramway mentioned in the Bill, because every yard of each line was laid down in a schedule to the measure. (Sir B. O’Loghlen—“We can insert a clause giving that power.”) If this amendment was merely one of a series of amendments intended to alter the whole Bill, then the Premier was not dealing fairly with the House in not stating at the outset the whole of the amendments he intended to propose, so that honorable members might know whether they were being led. If all that was wanted was some control by the Government—a voice for the Government in the management of the tramways—that was already provided for in clause 48. As there was in this colony no Board of Trade to take cognizance of measures like the present, clause 48 constituted a board to be called the Tramway Board, and before that board all such questions as the honorable member for Emerald Hill had referred to, which were not definitely or distinctly settled within the four corners of the Act itself, could be brought. The clause provided for the appointment of a representative of the Government on the Tramway Board, but, if the
amount of representation given to the Government was not considered sufficient, then it would be a fair question for consideration, when the House came to the clause, as to whether the Government should not be represented by two or three members on the board. The principle of the Government having a voice in the management of the tramway business was acknowledged, and, if the representation of the Government was not sufficiently provided for, the clause could be amended. To ask the House, however, to agree to an amendment which was worded to do one thing and was intended to do another, was unworthy of the Premier, and it would be unworthy of the House to adopt it.

Mr. LANGRIDGE expressed the opinion that the passing of the Bill would have the effect of constituting one of the greatest monopolies south of the equator. He had no objection whatever to the introduction of tramways—he was sure they would be a great public convenience—but he certainly did object to handing over the whole right of the public thoroughfares in Melbourne and suburbs to one company. If such a proposal was agreed to, this company would become so gigantic in its operations and so wealthy that it would eventually be able to command the whole carrying trade of Melbourne. The passing of the Bill would be one of the greatest mistakes ever made, and he was very glad of the position now taken up by the Premier. The principal ground on which he (Mr. Langridge) had all along opposed the Bill was the injury which it would cause to the Government railways, and there was no doubt that the proposed tramways would seriously affect the revenue from the suburban lines. When the Bill had been one or two nights before the House, an old and shrewd member of the House asked him whether he thought it was likely to pass. He (Mr. Langridge) said he did not think for a moment that Parliament would ever agree to a measure giving such large powers to a company, wherupon the honorable member he referred to said— "You do not know the House as well as I do; you will see that at first there will be some considerable opposition, but that it will gradually diminish as the matter goes on, and that eventually the Bill will be allowed to pass." It now looked as if that prediction was going to be verified. The honorable member for Belfast asserted that the evidence taken before the select committee showed conclusively that the construction of these tramways would not injure the Government railways, but it was well known that it was very easy to get evidence in a certain direction. He (Mr. Langridge) contended that many of the proposed tramways would most seriously affect the railway revenue. Was it likely that a person wanting to go to Emerald Hill, Sandridge, Richmond, or St. Kilda would take the trouble to walk down to the Hobson's Bay railway station when he could step into a tramcar in Bourke or Collins street? It seemed to him that it would be just as reasonable to allow a private company to construct a railway to compete with a portion of the North-Eastern line as to allow this company to make tramways to compete with the suburban lines.

At this stage, the time allotted for giving precedence to private members' business having expired, the debate stood adjourned until Wednesday, October 25.

RAILWAY CONSTRUCTION BILL.

Sir B. O'LOGHLEN moved that this Bill be now read a third time. He thought the House ought to be congratulated on having now virtually passed what might be said to be a national measure. Although there were a great number of lines covered by the Bill, the House would remember that the Government proposed two or three national objects as the foundation of the railway scheme. The first was the pushing of the railways into the great wheat-growing districts. Another was the pushing on of a main line to join the railway from Adelaide. He saw by that morning's newspapers that the South Australian Parliament were now considering the question of constructing a line by the Murray-bridge to join the line which this colony proposed to press on via Tarranginee. When the junction was completed, and the through line via Bacchus Marsh and Gordons was finished, Melbourne would be brought within less than 500 miles, or 20 hours' journey of Adelaide. He hoped the third reading of the Bill would be now agreed to, and the measure sent to the other Chamber.

Mr. GILLIES observed that he wished to obtain some information from the Minister of Railways. During the discussion of the Bill in committee, a question was raised with reference to the proposed viaduct between the Spencer-street and Flinders-street stations, and he understood then that the Minister of Railways would have some information to give on the subject before the Bill was passed by the Assembly. The matter had become almost serious now, as
there were rumours that some important alterations were contemplated at the Spencer-street station—alterations which would involve an expenditure of certainly over £100,000. If any such alterations were in contemplation, it was certainly very desirable that the House should have some information on the subject. In fact, he (Mr. Gillies) did not see why the position of the proposed viaduct should not be absolutely fixed without any limit of deviation being allowed. The viaduct was to go through an important street, and possibly through valuable house property, and under such circumstances he thought its exact course should be laid down without any limit of deviation at all. He held in his hand a plan signed by the Engineer-in-Chief showing one proposal, but he did not know whether it was the one which the Government intended to follow, or, indeed, whether they had made up their minds on the question at all. The matter was one of great importance, because if, as some people said, the whole of the Spencer-street lines were to be removed a quarter of a mile or further, the House was certainly entitled to some information on the subject before the Bill was finally disposed of.

Mr. BENT stated that he could not answer the honorable member’s question better than by reading what he (Mr. Bent) stated in the Assembly on the 24th August. He then said—

"According to the 18th clause of the Bill, no money could be spent until an estimate had been laid on the table of the House, and it would then be time enough to complain if no detailed plans were submitted. If this £80,000 was voted, he would take care that plans were prepared and laid before the House along with the estimate, and would assure the committee that no money would be spent until that was done."

Mr. GILLIES asked if there was any truth in the report of the contemplated alteration of the site of the Spencer-street station?

Mr. BENT said that three plans of a viaduct had been submitted. The first, which was shown on the model in the central hall, would run about two feet from the western side of Flinders-street, touching some valuable properties there; the second—that signed by the Engineer-in-Chief—would go through those valuable properties; and the third proposal was to bring the viaduct out on a line with the present grain shed, running along the southern side of Flinders-street. The Government had not yet decided on the matter, and of course they were not yet called upon to do so. In fact, the honorable member for Rodney (Mr. Gillies) himself was most persistent in procuring the insertion in the Bill of the provision in clause 18, that no money should be spent with regard to the stations on the viaduct until plans and estimates were submitted to the House.

Mr. KERFERD asked whether, according to any one of the plans, it would be necessary to move the present railway yard at Spencer-street back towards the swamp?

Mr. BENT remarked that, under the third proposal, the Spencer-street station would be carried back about 180 yards, and the lines would be straightened from North Melbourne to about the spot where the present grain shed stood. This proposal would render available for sale land with a frontage of 18,000 ft., which, it was estimated, would fetch about £800,000. The City Council had asked for a prolongation of Flinders-street to the gasworks, and this was also provided for in the third plan. A wide street would run all along the station, and the trains would come in end on. The question, however, was too large to be dealt with in a few days, especially as the Government, in accordance with the wish of the House, had offered premiums for designs, and the latter were not to be received until the 18th December. (Mr. Mirams—"The designs are for the buildings only.") Not only for the buildings, but also for the best way of utilizing the yard. The designs would be submitted to the House, in accordance with the promise he gave to honorable members.

Mr. LANGRIDGE observed that any honorable member who examined the three routes proposed for the viaduct, as he had done, could not fail to be struck with the great superiority of one of the proposals, under which a handsome viaduct would be carried right along the centre of Flinders-street without interfering with the traffic or the shipping in any way.

Mr. ZOX stated that he had also examined the new proposal referred to by the Minister of Railways and the honorable member for Collingwood (Mr. Langridge), and he was greatly pleased with it. Under that plan, the land which would be made available for sale would, he believed, defray nearly all the expenditure which would be incurred in carrying out the alterations. As the Minister had promised to submit plans and estimates to the House before anything was done, there could be no objection to the Bill being now allowed to pass.
Mr. SHIELS said he wished to express his hearty satisfaction that the House was at last going to get rid of this precious Railway Bill. He would solemnly assert his opinion that the like of this Bill for unblushing and profigate venality, and for ministering to the cupidity and shortsightedness of so many constituencies at the same time, had never before been submitted to any legislative body, either in the mother country or the colonies. ("Hear, hear," and "No.")

Mr. BENT observed that if the remarks of the honorable member for Normanby were in order, a word or two could be found in reply to them.

Mr. SHIELS remarked that members from all parts of the House testified to the truth of his statement. During the five months the Bill had been before the House, it had been like some hideous nightmare, not only benumbing the faculties and free movements of honorable members, but also, he was sorry to say, obscuring their self-respect and their sense of duty to the interests of the country. It was idle to say that a Bill which gave every constituency either a line or a spur, was ever intended to receive fair, impartial, and unbiased consideration from the House. The opinion he now expressed was not only the opinion uttered in the House and its lobbies, but the opinion expressed in the galleries of the chamber. Night after night, it was said in the galleries that the Minister of Railways by his precious Bill had got honorable members "by the wool," and that the House was perfectly powerless in the grasp of his self-christened octopus measure. The Argus, the Age, and the Daily Telegraph joined in stigmatizing the Bill as a corrupting and demoralizing measure, the evening papers had articles on "The Railway Racket" and "The Railway Scramble," and week after week Punch diluted on its corruption. The leading members of the Assembly on both sides of the House joined in the universal condemnation of the Bill. The honorable member for Warrnambool, the honorable member for West Melbourne (Sir C. Mac Mahon), the honorable member for Rodney (Mr. Gillies), and the honorable member for St. Kilda (Mr. Carter) on the one side of the chamber, and the honorable member for Geelong (Mr. Berry), the honorable members for Castlemaine, the honorable member for Ballarat West (Major Smith), and the honorable member for Portland on the other side, all expressed the same opinion. In his experience, either inside or outside the House, he had never known any other measure receive such universal and hearty condemnation. He knew full well that the Minister of Railways and his Bill would be triumphant, for the House had been rolling the sweet morsel of the universal bribe under its tongue too long to let it go now, but nevertheless, inasmuch as he (Mr. Shiels) opposed the railway loan last year, and condemned the Bill before it went into committee, although he knew the danger of doing so, he felt that he had a certain right to reiterate his views now that the Bill was about to leave the House. There never was a Bill of such importance brought before the House in such an incomplete, slipshod, and unbusiness-like manner as this had been. As it stood now, when it was about to leave the Chamber, it very much resembled the Irishman's gun which had got a new lock, stock, and barrel. When it first came before honorable members, it was a perfect skeleton, as it contained no schedules in explanation of the proposed lines. The Minister of Railways himself had proposed about 15 pages of amendments in order to complete the Bill. The title of the measure had been altered, and a mortuary border, showing that the Government either believed the Bill to be dead or ready for death, had been placed round the margin. Since the Bill was first committed and reported, it had been re-committed and re-reported, and re-re-committed and re-re-re-reported, and yet that night, after so many alterations had been made, the Minister of Railways came down with another series of amendments which he felt it necessary to introduce before the Bill was transmitted elsewhere. During the progress of the Bill, there had been no official and reliable statements made regarding the lines; no reports from officers connected with the Railway department had been submitted as to the practicability of the proposed railways, and, for all honorable members knew, they had been authorizing lines which went through morasses, over mountains, into holes, or ended at stumps. No such statistics as those with which the late Minister of Railways favoured the House had been supplied, in order to give honorable members some idea of the productiveness of the districts through which the lines would pass. The House had not a single statement before it on which it could rely. He would like to point out one remarkable utterance of the Minister of Railways during the progress of the debates on the Railway Bill. The honorable gentleman was asked on one occasion...
which line his officers recommended, and he replied that the officers had not anything to do with that line or any other line in the Bill; he (Mr. Bent) and the Government were responsible for the direction of every line; they did not profess to consult the officers of the department as to where a railway should run. The following was another remarkable utterance of the honorable member:—

"There was no pleasing honorable members. If they got no information about a line they passed it readily, but if they were shown maps and plans they objected to it at once."

A more sweeping condemnation of the business capacity and the honour of the House never before was uttered by a responsible Minister of the Crown. Why had not the Minister of Railways given the House a proper amount of information? There were two reasons. The first was the raw haste in which the Bill was introduced, sufficient time not being given for the information to be completed; and the second was that it did not suit the Minister, even if he had the information, to bring it down to the House, because, had he done so, he would have been pinned down to something definite, and he would have had no room for the display of that slippery adroitness and oily ease with which, on several occasions, he had backed out of the position which he had taken up. The Minister chose to constitute himself the sole depository of information having a bearing on the expenditure on railway construction, and when he got into difficulties through failure of memory, or into dilemmas in which he was landed by his conceit or incapacity, he extricated himself by—he (Mr. Shiels) would not use the term downright hard lying, because that would be unparliamentary—his conceit, or incapacity, or his failure of memory, or into dilemmas in which he was landed by his conceit or incapacity, he extricated himself by—he (Mr. Shiels) believed to be a man who would not knowingly make an untruthful assertion, believe and repeat the remark. As one gentleman acting towards another, he (Mr. Shiels) went quietly and told the Premier how erroneous the statement was. If the statement was true, however, there could not be a severer condemnation of the policy of the Minister of Railways than the putting of such a line in his Bill. He (Mr. Shiels) visited the district, and he found that the line ended five miles from that house, and crossed the Wannon river nearly three miles from the falls. This was another instance of the romancing vein in which the honorable gentleman had indulged. Again, when advocating the drainage of the Koo-woo-rup Swamp, the Minister stated that 20,000 people would be residents upon it. That would be giving between 40 and 50 children to each of the 400 or 500 heads of families who were to live on the swamp! Another statement which the honorable gentleman made in reference to the same subject was too much for the good sense of the House, and was ignominiously laughed out. He said that a swamp, at present useless, would, by the magic of one of his famous railways running through it, become worth £3,000 per acre. The honorable gentleman had certainly displayed a good deal of energy in connexion with the Railway Bill, but it was the mischievous and diseased energy of a bull in a china shop, and it made him feared just as much for the mischief that he might do as for that which he had already done. His gadding about the country at the rate of 100 or 150 miles a day, stopping at every hamlet and roadside inn to be banqueted, and leaving legacies of ambiguously worded promises behind him, and his attempts during these trips to settle nice engineering questions as to the route to be adopted, was a more side-splitting farce than had ever been played before the footlights of any theatre. It could only hoodwink fools or simpletons who did not look before their noses. Last year he (Mr. Shiels) refused to accompany him on one of his foolish expeditions, because he considered it to be the work of the responsible officers of the department, and not of the Minister. This cutting about the country, and hectoring delinquent porters in his shirt sleeves, was one of the thinnest devices of the lowest political quackery, and the sooner the country awoke to the fact the better. The author of Don Quixote described one of his characters in these words:—

"He pecks at everything, and thrusts his spoon into every dish."

That was thoroughly characteristic of the
administration of the Minister of Railways. He had interfered with everything. He had gone out to judge whether a station should be placed on this or that side of a line, and whether a line should be made here or there. He had taken upon himself not only the duties of Engineer-in-Chief, but of surveyor and of traffic manager. He had interfered with everything in his department, high and low. He had issued regulation after regulation one day, and cancelled them the next, and the consequence was that, during his régime, there had been a greater number of accidents, more complete demoralization, more bickerings, and more grave scandals connected with the department than during the term of office of any previous Minister. (Mr. McIntyre—"What has all this got to do with the third reading of the Railway Bill?"") A good deal. During the course of the present Bill the Minister of Railways had had gross and unseemly alterations with about twenty different members on all sorts of subjects, and without any reason. His conduct could only be described in four lines of poetry which seemed to be very appropriate to the occasion:

"Ever offending, ever fretting,
Ever explaining, ever forgetting,
He blunders on from day to day,
And drives his dearest friends away."

The SPEAKER.—I must remind the honorable member that the question before the House is the third reading of the Railway Bill, and not the conduct of the Minister of Railways in the administration of his department.

Mr. SHIELS explained that he was endeavouring to show how the Bill originated, how it had been worked, and how it was going to leave the House. During the progress of the Bill, district had been pitted against district, and the fears of honorable members as to their own lines had been worked upon. Threats had been issued as to the consequences of amendments, and rods held over honorable members with regard to their votes. The town had been pitted against the country, and the country against the town, and the only redeeming feature in the conduct of the Minister of Railways was what he (Mr. Shiels) could not but call the brutal candour which the honorable gentleman had displayed.

Mr. R. CLARK asked if the remark was in order?

The SPEAKER.—Certainly not.

Mr. SHIELS said he withdrew the word "brutal," and would call it the highly-refined and intellectual candour which the Minister had exhibited. He had shown that from first to last he did not believe there was enough spirit and honour in the House to resent either his bumbling or his blunders, or to punish him for his mischief, his bungling, and his incapacity. He had shown that he did not believe the House had enough spirit and honour to deal with him as he richly deserved to be dealt with.

Mr. McINTYRE remarked that the honorable member for Normanby had done very well in castigating the Minister of Railways, but was he in order in condemning the House as he was now doing?

The SPEAKER.—An honorable member addressing the chair must confine himself to the question. I am sure the honorable and learned member for Normanby knows what that means.

Mr. SHIELS observed that he thought he was in order in telling the House of the arts and diplomacy which had been employed by the Minister in dealing with the Bill. He (Mr. Shiels) was dealing with facts, and was prepared to substantiate all his statements. The honorable gentleman believed that there was not sufficient spirit and honour left in the House—(Mr. L. L. Smith—"Is that in order?") The House seemed to be squeamishly fastidious. He would not have spoken if he had not been asked that night to do so. (Mr. McIntyre—"Who asked you?") Never mind. If the Minister of Railways had believed that the House had sufficient spirit to punish him, he would not have made the offer which he made when the Swan Hill line was in extremis. In the face of the House he tried to buy off the opposition of the Boorpt people, which he feared was endangering his success in carrying that line, by offering 12 miles of a line to Quambatook. There was also another case. When the honorable member for Borondara accused the Government of a deliberate and wanton breach of faith, as regarded their promise to strike out the Glen Iris line and to substitute another line, running from Camberwell to Oakleigh, the Government pursued, through the Minister of Railways and the Premier, exactly the same policy as they pursued in reference to the Swan Hill line. They said—"Your line from Camberwell to Oakleigh is a good line, and you can have it too." They also promised that if any money was saved by the striking out of any lines in the Bill, it should go towards the completion of those incomplete, maimed, and mutilated lines which had brought the House into ridicule. Had that promise been carried
out? When the honorable member for East Bourke asked for a new line to Craigieburn, he (Mr. Shiels), with the promise of the Government ringing in his ears, called for a division, but the Minister of Railways said the line was a good one, and that the Government would accept it, and then, when other honorable members wished other lines to be inserted, the door was closed, because the Government said there was no more money available. There was a rigid adherence to the last promise, although there was a total forgetfulness of the one which preceded it. In reference to the "cockscom" lines of which so much had been said, he would only remark that many of them would run to the foot of mountains which would prevent their being extended, and that they would require a separate equipment of rolling-stock, and a separate staff of officials, thereby entailing enormous expense on the country. He did not deny that the Bill might contain some very good proposals. There was the authority of Cowper for saying—

"A fool must now and then by chance be right."

Choose for Minister of Railways the most incapable, corrupt, and untrustworthy man in the House—pitchfork him into a position which neither God nor man ever intended him to occupy, give him millions of money to spend, and he was bound in the same way as Cowper's fool to hit upon some fairly good lines. The Bill might contain some lines which would be accepted by both Houses with acclamation, but many of them might be defined by the words used by the Anglo-Saxons in describing human souls—

"They come, no one knows whence, and go, God only knows whither." Many of the lines ended in the open bush, two terminated in swamps, and one ended at a stump. One of them ended at a cemetery, while others ended in the wild bush, near no human habitation, and would not be even protected by a post and rail fence. These proposals really placed honorable members in a position of perfect ridicule, so far as the country's opinion of their business capacity, knowledge, or sense was concerned. What would those proposals do further? They would necessitate in the shortest time a new loan, if the House was not to allow the Government material to go to waste and how near the time might be had been sketched forth during the present week by no less a personage than one of the Government "whips." The expenditure on the line from Glen Thompson to Koroit would be of a particularly wasteful character if the line was not extended to Belfast and Warrnambool. For about 26 miles of its length it would go through indifferent country, consisting chiefly of large estates, and it stopped short of the districts where population was thick and active, and of the two ports which, outside Port Phillip, were probably the most important in the colony. Koroit, the terminal point of the line, was only 12 miles from Belfast and 11 from Warrnambool. He could not compare such a monstrous and ridiculous proposal to anything better than a man going out to fish and holding his rod and line over the water, and expecting to catch fish without putting his hooks in. Such proposals reflected seriously on the House, and involved a waste of public money. As to the lines which were to be constructed about Melbourne, he thought there was hardly one which private enterprise would have initiated, as none of them were calculated to meet the convenience of the public. Most of them were nothing more nor less than land-jobbers' lines. One of them was defended by the Minister of Lands, who did not deny that the district through which it would pass was very thinly populated, but who justified his advocacy of the railway on the ground that the district was not a barren waste, and that a syndicate of capitalists had bought up the land. This was one instance showing that the metropolitan lines would be in the interests of land jobbers. The Picnic Point line was allowed to remain in the Bill, and it was defended on the ground that, as soon as the whistle of the locomotive was heard through that arid and dried-up region, it would work more wonders than ever Aaron's rod did—population and traffic would be established, and vegetables would be exported to Sydney, Brisbane, and other places. Again, there was the Elwood line, which was such a ridiculous proposal that the Minister of Railways had not the courage to adhere to it, allowing it to be laughed out of the Bill. There was another line which he (Mr. Shiels) believed would not carry any passengers but those who never paid fares. He did not mean Members of Parliament, but fleas, and he was now referring to the North Sandridge extension. This line would pass through a desert of drifting sand, and after every windy night it would be necessary to sweep

Mr. Shiels.
it with a broom to clear it of the sand. He could not compliment the House upon the demeanour it had displayed during the discussion on the Railway Bill. He admitted that a Legislative Assembly composed as that was must be to a great extent at the mercy of the Minister of Railways for the time being in regard to railway construction, but he felt himself compelled to say that the House had not done its duty by the Bill. It had not risen superior to mere paltry local considerations; it had not considered its reputation or the good of the country, and it had failed to regard the proposals brought before it from a national point of view. For five months there had been a reign of what he could not call by any other name than pump-handle politics. Members had exhibited a truckling reticence in regard to lines which they knew to be bad, for fear of jeopardizing others they desired to be carried. He had heard as fierce terms used outside the House by honorable members in reference to the Bill as he had used that night; and he had heard the same honorable members, when proposals in which they were interested were under consideration, slobber the Minister with eulogy as fulsome and false as it was undeserved. He had applied to a dozen members in the House to one member outside of it. (Mr. Shiel's—"I have said nothing inside that I would not say outside the House.") The fault which had been found with the Ministry was that they had not included three or four more lines in the Bill. The honorable members for Sandhurst and Mandurang and he (Mr. Longmore) had found that fault, but he could not for that reason get up and say that the Bill was a profligate Bill framed for the purpose of destroying the independence of honorable members. He voted against every line which, in his opinion, was not a good line, and did his best to get it struck out of the Bill. He was astonished to find that there were any honorable members in the House who would cheer the remarks of the honorable member for Normanby. Had the House come to a state of degradation, or did honorable members treat one another as honorable men? Were honorable members guilty of crimes in the House that ought to land them in prison? That, according to the honorable member for Normanby, was the question to be considered. But the honorable member was only following the lead of some portions of the press outside that had disgraced the reputation of the country by their statements—that did not give Members of Parliament credit for ordinary honesty. (Mr. R. Clark—"To what portions of the press does the honorable member allude?") The honorable member need not mind. He (Mr. Longmore) had never heard anything stated in the House so injurious to the reputation of its members as what had fallen from the honorable member for Normanby. He
must have an evil heart of his own to attribute such conduct to his fellow members. It was astonishing that so very honest an honorable member did not clear out from the society of the rogues he made out the great mass of the House to be. The country would not sink to the bottom of the sea if the honorable member was out of Parliament. Why was the House treated to deliveries like that it had just listened to? Had not honorable members generally, week after week, and month after month, done their best to make the Bill one fit to be presented to the country—one that ought to be presented to the country? Certainly there were some things in the measure he (Mr. Longmore) could not defend—there were some lines in it that would be well out of it—but, nevertheless, he was not going to ask another place to interfere with the rights of this Chamber. The honorable member, however, appeared anxious to place the Council above the Assembly. Everyone of the way in which certain politicians of very different opinions were arriving at an agreement. At last something was becoming known of the coalition that had been going on under the rose for a month past. But he would not carry his remarks further. He simply rose because he thought honorable members were hardly in a humour to go on with the third reading of the Bill, and that it would be best to adjourn the debate.

The motion for the adjournment of the debate was put and negatived.

The motion for the third reading of the Bill was then agreed to without a division, and the Bill was read a third time.

Several formal amendments having been made in clause 8,

Mr. R. CLARK moved the addition to the clause of the following sub-section—

"A railway commencing at the city of Sandhurst, and terminating at or near the township of Axedale, in the direction and upon the lands described in the schedule hereto, to be called the Sandhurst and Axedale Railway."

He said he brought forward this proposal with a strong feeling that, on the ground of justice to Sandhurst, the Bill ought to include something for that vast mining centre. He appealed to honorable members generally whether it was not altogether too bad that the measure, which originally provided for 70 miles of railway for the Sandhurst and Bendigo district, now provided for not a mile of any line of the sort. It was not, however, quite too late to remedy this state of things, and, if honorable members would pass the railway of only 18 miles he now proposed, they would do a great amount of good to the districts it would accommodate. For one thing, the line would open up communication between Sandhurst and the localities from which it received its supplies of wood for its mines, and road metal for its streets. Moreover, the Bendigo vineyards all lay between Sandhurst and Axedale, and some of the finest orchards in the country were also to be found there. Without trespassing too much on the time of honorable members, he would bring under their notice a few statements on the subject of a railway to Axedale he had received from Mr. J. D. Bywater, the president of the shire of Melvor. First, as to the land it would pass through, plenty of it had changed hands at from £10 to £20 per acre. That which was under cultivation was as follows:—Axedale East, 700 acres; Weston, 8,300 acres; Muskerry, 600 acres; Toolleen, 2,400 acres; Crosby, 2,850 acres; Carnella, 2,760 acres; Dargyle, 1,380 acres; Knowsley, 960 acres;
Knowsley East, 1,640 acres, and Langwarner, 1,150 acres. Altogether the area under cultivation to be benefited by the line amounted to no less than 17,500 acres. At the same time, there was not a single large holding in the neighbourhood, except one belonging to Mr. Heffernan, of the Shamrock Hotel, at Sandhurst; and that was about to be sold. Another portion of Mr. Bywater's statement was as follows:—

"An unlimited supply of the best quality of limestone exists at Mount Camel, within 20 miles of the proposed line. The stone has been proved to be of the very best description for making lime. This valuable quarry would be only about 30 miles from Sandhurst, and I feel confident that, as the quality of it will be equal to anything produced in the colony, it should ensure a traffic of from 20 to 30 tons weekly."

Then reckoning up the traffic the line would derive from other sources, Mr. Bywater stated—

"Timber, comprising sawn iron bark, &c., 60 tons weekly; firewood, about 840 tons per week; provisions for the crews, some 200 teams, or 500 tons, would be derived from Healesville to Sandhurst, the 65 and 70 feet long, 25 tons weekly. Also sand which has been proved to contain payable gold exists in Heathcote and Costerfield in unlimited quantities. Several loads have been sent by rail to Sandhurst, but the present price of carriage, 20s. to 25s. per ton, has been found too high to make it remunerative. I estimate that from this source alone, 65 tons weekly could be sent by rail. Dairy produce which now comes by road from Pyalong, Tooberac, and the ranges to Kilmore, thence by rail to Sandhurst, the saving in the carriage of timber would be a great boon to the people of Sandhurst—to the mining interest especially—and would also give employment to a very large number of people in this district. Another large source of revenue should be derived from sheep and cattle from the Goulburn Valley district, which are travelled to the Sandhurst market at all seasons of the year. There are also large quantities of cattle sent from Gippsland to the Sandhurst market during the winter months. They are travelled through the ranges to Kilmore, thence by way of Lancefield to Kyneton, and from there by rail to Sandhurst. If this line were constructed from Kilmore to Sandhurst, the saving in the distance would be a very great benefit to the producers as well as to the consumer, and should also be a large source of revenue to the Railway department."

Without trespassing further upon the time of honorable members, he would now leave the fate of the proposed line in their hands. He urged them not to allow themselves to be swayed with respect to it by anything that had been said in the heat of debate, or by the antipathies to this and preferences for that which had so long prevailed with respect to the Bill. All cause for such feelings being now removed, he hoped honorable members would look at the present proposal in the light of its very many advantages, and also in that of justice to Sandhurst.

Mr. Burrowes asserted that there was no more deserving Railway in the Bill than the one honorable members were now asked to pass. He might add that he had done a great deal, both in the House and out of it, in trying to carry a line to connect Sandhurst with the Heathcote district, and he was very sorry that any of his friends thought that anything different was the case. As for the traffic a railway from Sandhurst to Axedale would carry, it was hardly possible to say too much on the subject. Why Axedale had, for the last 25 or 30 years, supplied the half of Sandhurst with vegetables and dairy produce. He could not understand his honorable colleague, the Minister of Railways, being opposed to such a line. Of course the country on its route was roughish, and the officers of the Railway department preferred £2,500 per mile lines, but nevertheless it would be far from expensive, and from the first a highly paying undertaking. Then it ought to be remembered that the colony had now arrived at the state at which the successful working of its mines largely depended upon the cheapness with which the mining districts could be supplied with fuel, and that for some time past firewood had been so dear in Sandhurst that some of the mining engines had to be kept going with coal, which had caused a rise in the price of crushing. All this was very serious to think of, and he was sorry the mining members of the House did not regard it in its proper light—that there was not more cohesion amongst them in supporting their common interests. In fact, it might be said that the mining interest had never yet received the support from the mining members it ought to have received. Why should the staple industry of the colony experience such treatment from its representatives in Parliament? It was not so much the owners of mines who needed consideration as those who were dependent upon the success of mining operations for their daily employment. Again, it should be remembered that, taking everything together, there
was as much employment to be got from the poorer claims, if they could be kept going on remunerative terms, as from the richer ones. In view of the extreme smallness of the concession now asked for, it was most surprising to the people of Sandhurst, who did not know how things were worked, that, instead of being first viewed with indifference and then being finally refused, it had not long ago been unanimously granted. They found it difficult to understand how opposition to their interests was instigated by the honorable members for Rodney, who had a line of their own to look after, and also how completely their own members were misled as to the support they could command on both sides of the Chamber. Moreover, there was the astounding fact that the leader of the Opposition, the honorable member for Geelong (Mr. Berry), set himself up strongly against them. Everything considered, the Sandhurst members had done all they could do, and nothing they ought not to have done, but they had been met by a number of adverse circumstances which, unfortunately, they could not control. As for the Government, as long as they were able to do so they fought, as a whole, honestly and hard for Sandhurst. But there came a time when, owing to the number of new railways proposed, the Premier had to draw a line somewhere. He was obliged to close the Bill, and his doing so was fatal to Sandhurst interests. However, it was in the power of honorable members to make matters comparatively straight by adopting the present proposal, and it was to be hoped they would do so.

Dr. QUICK said he sympathized with the position in which the Minister of Mines was placed, but he could not refrain from observing, without criticising the honorable gentleman's conduct further, that it was most unfortunate for Sandhurst that his colleague, the Minister of Railways, was enabled to take up his present position of antagonism to Bendigo interests. Nevertheless, there could be no doubt, despite the snorts of the press, that the members for the district had endeavoured to do their duty by it to the best of their ability. Something stood in the way of the House generally seeing the merits of the Sandhurst and Heathcote Railway, and something led the Minister of Railways to set himself against it, and, in consequence, the line fell through. He (Dr. Quick) knew pretty well what was alleged against him, namely, that the Seymour amendment caused the mischief, and that the responsibility lay on him, but, although he would be the last to shirk responsibility, he did not think he was to blame. One thing he deeply regretted was that the honorable member for Geelong (Mr. Berry) was so strong against Sandhurst. It seemed that the honorable gentleman was led away by the statements of the Minister of Railways. There could be little doubt that the present proposal was doomed for the time being, but it could not be long before it would be adopted.

Mr. WILSON expressed the hope that the honorable member for Sandhurst (Mr. Clark) would not press his amendment. He (Mr. Wilson) assisted the honorable member loyally in endeavouring to do justice to the Sandhurst district, but there could be no doubt that the Bill was now closed, and that the best thing to be done was that the Sandhurst members should forget their soreness, and repress their angry feelings as much as they could.

Mr. WILLIAMS said he was satisfied the proposed line would be a thoroughly good paying one, for the statements made by the honorable member for Sandhurst (Mr. Clark) with respect to Agedale were correct in every particular. In no district round Sandhurst was there more cultivation than in the Agedale neighbourhood. Indeed it might be asserted that for the last 25 years it had had the half of Sandhurst. For the House to adopt the proposal now before it would, therefore, be a simple act of justice. Much had been said of the engineering difficulties of a line from Sandhurst to Heathcote, but none of them existed on the Sandhurst side of Agedale.

Mr. McCOLL observed that if, through the refusal of the Government to support the line now proposed, there was a failure in the supply of timber for Sandhurst, the responsibility would rest on the shoulders of the Government.

Mr. FISHER remarked that the advice offered by the honorable member for Ararat might be very good, but it should be remembered that no district was ever so badly treated as the districts of Sandhurst and Mandurang had been treated. Several lines were provided for them in the Bill, as it stood originally, but every one of them had been negativised. All they were to get was a few miles of line running through a portion of Mandurang. Under these circumstances, he would urge the Government to no longer act so preposterously as to set themselves against one of the most important districts of the colony. Why should they not, even at the present stage, include an additional £100,000 or £200,000 worth of railways in their Bill? There was no real difficulty in
the way of their taking that step, and it 
would afford them the means of doing Sand-
hurst the justice it deserved. If the Minis-
try wished the Bill to be a real success, they 
ought not to allow it to pass out of their 
hands without letting a line be inserted in it, 
even at the last moment, which would do 
justice to Sandhurst and Mandurang.

Mr. BENT said he was glad that the 
members for Sandhurst had at last come 
round to his views. If, in the first instance, 
they had simply gone in for a line from 
Sandhurst to the Campaspe, not a word 
could have been said against their proposal; 
but he hoped that at this stage the amend-
ment would not be pressed, and that the 
proposals for other new lines of which some 
honorable members had given notice would 
also be abandoned. It had been distinctly 
understood by the House that no more new 
lines would be added to the Bill. The Premier 
had promised that certain short lines which 
would cost altogether about £120,000 would 
be provided for on next year's Estimates, and 
that promise would be kept, as he believed 
it was the unanimous wish of the House to 
have a vote placed on next year's Estimates, and 
for the construction of those lines. Sandhurst 
would then receive the same consideration 
as other districts. On this understanding 
he trusted that the amendment would be 
withdrawn.

The amendment was negatived without a 
division.

Mr. BENT remarked that the honorable 
member for Portland had given notice of 
an amendment, requiring a schedule show-
ing the order in which the various lines in 
the Bill would be constructed to be laid 
before Parliament. If the House wished to 
discuss that amendment, the debate had 
better be adjourned. (Cries of "No," "Go 
on," and "Finish the Bill,"")

Mr. WILLIAMS remarked that an 
amendment of which he had given notice 
stood on the paper before that of the honor-
able member for Portland, and he intended 
to propose it. (Cries of "Adjourn" and 
"Go on.") He begged to move that the 
debate on the further consideration of the 
amendments on the third reading of the Bill 
be now adjourned.

Mr. LONGMORE observed that the 
proposal of the honorable member for 
Portland would involve three or four hours' 
debate, and therefore it was unreasonale to 
expect honorable members to deal with it 
that night.

Mr. WRIXON intimated that he was 
prepared to go on with his amendment if 
the House wished to debate it at once, but 
he would be glad if it was decided to 
adjourn the discussion until the following 
night.

Sir B. O'LOGHLEN stated that the 
amendment was a very important one, and 
it was desirable that the House should have 
full opportunity of discussing it. On the 
other hand, there had been a general un­
derstanding that the Bill should be settled that 
night.

Mr. R. CLARK remarked that a good 
night's work had already been done, and 
several honorable members had gone home. 
He would appeal to the Premier whether it 
would not be judicious, and for the interests 
of the country, to take another night to 
finish the Bill.

Sir B. O'LOGHLEN replied that there 
had been a general understanding that the 
measure was to be disposed of before the 
House adjourned.

Mr. R. CLARK intimated that, at his 
request, two of the honorable members for 
Mandurang (Mr. McColl and Mr. Fisher) 
had abridged their remarks in support of 
the Sandhurst and Axedale line on the 
understanding that the debate on the pro­
position of the honorable member for Portland 
would not be taken that night.

Mr. FISHER thought it inconsiderate 
of the Government to attempt to rush the 
Bill through that night.

The House divided on the motion for the 
adjournment of the debate on the further 
consideration of the amendments on the 
third reading of the Bill—

Ayes ... ... ... ... 7
Nees ... ... ... ... 30

Majority against adjournment 23

Ayes, 
Mr. Fisher, 
Mr. Longmore, 
Dr. Quick, 
Mr. Williams, 

Tellers, 
Mr. Wrixon, 
Mr. R. Clark, 
Mr. McColl.

Noes, 
Mr. Anderson, 
" Blackett, 
" Bolton, 
" Bosisto, 
" Brophy, 
" Burrowes, 
" Cameron, 
" Connor, 
" Cooper, 
" Francis, 
" Fraser, 
" Gardiner, 
" Gillies, 
" Grant, 
" Harper, 
" Harris, 

Tellers, 
Mr. Hunt, 
" James, 
" W. Madden, 
" Mirams, 
" Sir B. O'Loghlen, 
" Mr. Shiel, 
" Walsh, 
" Wheeler, 
" A. Young, 
" C. Young, 
" Zincke, 
" Zox.

Mr. Graves, 
" L. L. Smith.
Mr. WILLIAMS moved that the following new sub-section be added to clause 3:—

"A railway commencing at the termination of the authorized line from Eaglehawk to Kerang, and terminating at the township of Koondrook, in the direction and upon the lands described in the schedule hereto, to be called the Kerang and Koondrook Railway."

He said that a line from Kerang to Koondrook was very desirable in the interests of a large number of farmers, flour-millers, saw-millers, miners, and other classes of the community. The residents in the northern portion of his constituency looked upon the line as far more important than the construction of one from Kerang to Swan Hill. They considered it essential to the proper utilization and success of the line between Eaglehawk and Kerang.

Mr. RICHARDSON said he understood the Minister of Railways had promised that the consideration of further amendments should be adjourned after the Sandhurst and Axedale line was disposed of. Personally, he (Mr. Richardson) would prefer that the Bill should be got rid of that night, but he thought that the promise made by the Minister in charge of the measure ought to be adhered to. He therefore hoped that the Premier would consent to the adjournment of the debate.

Mr. BENT stated that he did promise to agree to an adjournment of the debate, on the understanding that the proposals given notice of for the addition of new lines to the Bill would be withdrawn, and that only the amendment of the honorable member for Portland would remain for consideration on the following evening.

Mr. GILLIES remarked that there were only seven members of the House wanted the debate adjourned, and the House ought not to be dictated to by a small minority.

Sir B. O'LOGHLEN observed that he was not aware, when the last division was taken, that the Minister of Railways had made any promise that the debate should be adjourned. Of course, whatever promise the Minister of Railways made must be carried out if he was held to it; but he (Sir B. O'Loghlen) would appeal to the honorable members for Sandhurst and Mandurang, as it was the evident desire of the House to dispose of the Bill that night, to release the Minister of Railways from his promise. (Mr. R. Clark—"No.") There was nothing to be gained by the members for Sandhurst and Mandurang from any other division that might take place next night. The decision of the House, that no new lines should be added to the Bill, was clearly shown by the division on the Sandhurst and Axedale line.

Mr. FISHER supported the proposal for a line from Kerang to Koondrook. The line would only be some 12 miles in length, and could be constructed for about £25,000, while the Government had still £120,000 of the loan unallotted. He hoped that, even at this stage, the Ministry would recognise the merits of the line, which would tend to cement friendships between Victoria and New South Wales, would supply timber for the mines, and would afford transit for their produce to an agricultural population. He would point out that, if honorable members desired to enter exhaustively into the discussion of the amendment of the honorable member for Portland, it would be a very difficult task to get rid of the Bill that night. The order of the construction of even 10 lines of railway could be put in 517,400 different ways, and the amendment referred to the order of construction of no less than 60 lines.

Mr. R. CLARK moved the adjournment of the debate. Owing to the promise of the Minister of Railways, several honorable members had refrained from addressing the House, or had curtailed their remarks, and he (Mr. Clark) trusted that the Premier would not like the Minister of Railways to break a distinct promise he had made. An excellent night's business had been done, and the Bill could easily be disposed of on the following day.

Mr. Zox considered that, if the Minister of Railways had promised to agree to the adjournment of the debate, the promise should be kept unless those to whom the Minister made it released him from it. If the question was pressed to a division, therefore, he (Mr. Zox) would be reluctantly compelled to vote for the adjournment of the debate.

Mr. WRIXON said that his motion might be disposed of on the following day without interfering with other business if the House would consent to meet at two o'clock.

Mr. GILLIES remarked that the House had said by its votes over and over again that it would allow no new lines to be inserted in the Bill, and the honorable members for Mandurang (Mr. Williams) and Sandhurst (Mr. Clark) intimated that if the adjournment of the debate was obtained they would not submit any new proposals. (Mr. R. Clark—"You are entirely wrong.") Then it appeared that, instead of being desirous of obtaining the adjournment of the debate on the ground that the amendment
of the honorable member for Portland should be fully discussed, those honorable members desired it for the purpose of snatching a victory next day when there was a thin House. They had been defeated by overwhelming majorities every time they brought forward their proposals, and, the House having determined to close the Bill so far as new lines were concerned, it would stultify itself if it allowed the honorable members for Sandhurst and Mandurang to carry their object. If only the amendment of the honorable member for Portland remained to be considered, no doubt the Government would give a couple of hours to its discussion on the following evening, but it was a totally different thing to join that amendment with the others which would be proposed by the honorable members for Sandhurst and Mandurang, whose object was to obtain a victory by a “fluke.” The question of adjournment had been negatived on a division by a majority of 30 to 7, and were the 30 members going to allow the 7 to dictate to them? The Bill had been before the House for four months, it had now arrived at its last stage, and honorable members expected it to be disposed of that evening; why should they agree to its further postponement?

Mr. WILSON observed that he could only explain the persistence with which the honorable members for Sandhurst and Mandurang continued to bring forward their proposals by the supposition that they expected to succeed by their importunity. Every district had been allowed fair play during the discussion on the Railway Bill, and all the propositions which had been brought forward had been fully debated. He would ask the honorable member for Portland not to press his amendment at the present time, as, if his amendment was carried, it would be tantamount to a vote of want of confidence in the Government. If it was found necessary to pass such a motion, the question could be introduced, subsequently to the passing of the Bill, in a separate form. The honorable members for Sandhurst and Mandurang had been fairly beaten, and should submit to their defeat.

Dr. QUICK considered that, as the Government had done a fair amount of business that day, they should consent to the adjournment of the debate. If that course was pursued, he would promise to offer no obstruction to the Bill passing on the following day. The amendment proposed by the honorable member for Portland was of a very important character and ought to be fully discussed by the whole House. He objected to the Bill being rushed through, on the ground that the House had not done justice to Sandhurst. He would ask the Minister of Railways to use his influence to induce the Government to carry out the promise which he had made, and not to allow himself to be “bossed” by the honorable member for Rodney (Mr. Gillies).

Mr. FRANCIS remarked that he had learned indirectly that the honorable member for Portland had been suffering from illness for some days past, and was at present far from well. The honorable member could not be expected to do justice to himself, under such circumstances, if he was compelled to propose his amendment that night, and therefore he (Mr. Francis) would suggest that it would be as well to bring this discussion or wrangling to a close, and adjourn the debate.

Mr. BENT said he could not allow the remarks of the honorable member for Rodney (Mr. Gillies) to go unchallenged. He was quite sure that the members for Mandurang and Sandhurst, in obtaining an adjournment of the debate, had no intention of trying to snatch a victory on their amendments the following evening. On the contrary, the arrangement he made with them was that, if the debate was adjourned, they would withdraw their amendments, so that the House might next day have only to discuss the important proposition of the honorable member for Portland, which was practically a motion of want of confidence. (Mr. Gillies—“But one of the amendments has just been moved.”) He presumed it was moved because the arrangement for the adjournment of the debate was not carried out. (Mr. Williams—“Hear, hear.”) He fully relied on the good faith of the members for Sandhurst and Mandurang, and he had no wish to be released from his promise. Another reason for adjourning the debate was that the officers of the House desired some little time to put the Bill in order, and he wished to send it up to another place in such a perfect form that they would not dare there to touch a line in it.

Mr. GILLIES asked if the remark of the Minister of Railways was in order? It was a gross insult to another place which had a perfect right to alter the Bill.

Mr. BENT stated that, rather than appear to insult another branch of the Legislature, he would withdraw the remark. He would now ask the Premier to carry out the promise he (Mr. Bont) had made.

Sir B. O’LOGHLEN observed that this misunderstanding had arisen altogether from