arguments, and he hoped the Government would be able to see their way to accept the amendment.

The Hon. J. MACBAIN observed that quite apart from the drought which had visited New South Wales and Queensland, and which precluded the removal of stock from Victoria to those colonies, the pastoral tenants were entitled to such a measure of justice as that which the amendment provided for. No doubt those tenants had been left in occupation since 1880, when the Land Act 1869 expired, simply because the Government of the day were frightened to deal with the land question; but now they were suddenly called to give place to a new class of Crown tenants. In fact, a new departure in land legislation was proposed. He considered the pastoral tenants might well be allowed to remain in their holdings for another twelve months, and particularly as it was not at all probable that the survey and classification of the territory into pastoral allotments and agricultural and grazing areas would be completed within that time.

Mr. CUTHBERT said he believed an overwhelming majority of the committee were in favour of the amendment.

The Hon. T. F. CUMMING intimated that he had an amendment to propose in the clause.

Mr. SARGOOD said, under the circumstances, he would move that the Chairman report progress.

The motion was agreed to, and progress was reported.

The House adjourned at twenty-one minutes past ten o'clock.

LEGISLATIVE ASSEMBLY.

Wednesday, October 29, 1884.

Mallee Pastoral Leases Act: Vermin Boards—F. McDonald

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

MALLEE PASTORAL LEASES ACT.

Mr. LANGDON asked the Minister of Lands whether, in notifying the coming elections for vermin boards under the Mallee Leases Act, he adopted any other means of publicity than the Government Gazette, and whether he intended to appoint additional polling places?

Mr. TUCKER stated that advertisements had been inserted in the local newspapers, and that he intended to make Donald a polling place.

F. MCDONALD.

Mr. GAUNSON asked the Minister of Lands whether he would lay before the House the papers relating to the occupation, by F. McDonald, of land in the electorate of Emerald Hill?

Mr. TUCKER said he had no objection to do so.

LAND BILL.

Mr. GRAVES inquired of the Minister of Lands whether his departmental arrangements for dealing with Crown lands under the provisions of the new Land Bill would be sufficiently advanced for the purposes of the measure by the commencement of the new year, when it would come into operation?

Mr. TUCKER said there was no reason for any doubt about the matter.

POSTAL DEPARTMENT.

Mr. GARDINER asked the Premier (in the absence of the Chief Secretary) whether arrangements would be made to pay Mr. W. L. Seth's pension, the payments to date from the time he was compelled to leave the Postal department through ill-health?

Mr. SERVICE observed that Mr. Seth was granted sick leave, with full salary for a portion of the time, and half salary for the remainder. His pension was calculated from the date at which the salary ceased, and would be paid in ordinary course.

Mr. GAUNSON called attention to a statement made in the Assembly, by the Chief Secretary, on the 18th September, to the effect that if there were any ordinary sorters doing senior sorters' work, they would be promoted immediately. He begged to ask the Premier whether he would make a note of the matter, and see that the promise was attended to?

Mr. SERVICE said he would make a note of the matter.

PASTORAL LICENSEES.

Mr. GRAVES asked the Minister of Lands the number and the names of the pastoral licensees whose runs would be affected by the Land Bill?
Mr. TUCKER said he had a list of the names, which he would lay on the table. The number was 451.

PETITIONS.

The SPEAKER.—I desire to inform the House that a petition which was presented by the honorable member for Carlton, yesterday, is out of order. As a matter of fact it contains three petitions, one being addressed to the Legislative Council. Some time ago, I made the suggestion that honorable members who had petitions to present should lodge them with the Clerk of the Assembly not later than the morning of the day on which they proposed to present them, in order that it might be ascertained whether they complied with the rules of the House or not. The suggestion was subsequently embodied in a report from the Standing Orders Committee, but the House has not thought fit to adopt that report. Petitions, when presented, are entered on the Votes and Proceedings, and, if they are afterwards found to be informal, the entries have to be expunged. I would therefore again impress upon honorable members the necessity for satisfying themselves that the petitions intrusted to them are in order.

Petitions were presented by Mr. GIBB, from a public meeting of inhabitants of Beaconsfield, praying for a railway to that place; and by Mr. NIMMO, from inhabitants of South Melbourne, in favour of the continuation of the grocers' (single bottle) licence.

MINING ON PRIVATE PROPERTY BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to some of the Assembly's amendments, disagreed with others, and agreed to one with an amendment.

The message was ordered to be taken into consideration the following day.

RAILWAY CONSTRUCTION BILL.

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

Discussion (adjourned from the previous evening) was resumed on Mr. Gillies' proposal to include in clause 3 a sub-section authorizing the construction of the Fitzroy Branch Railway.

Mr. GARDINER expressed the hope that those honorable members who were interested in the construction of this railway would give the House some information as to the necessity for the line. He appealed to them the previous night, but they did not respond. He would now give them another opportunity.

Mr. REID observed that the Fitzroy district had been left out in the cold, year after year, in the matter of railway communication, and it was only right that it should have some little share of the benefit expected to be derived from the Bill. The population within a radius of one mile from the site of the Fitzroy terminus of the proposed line numbered—in Collingwood, 19,063; Fitzroy, 28,118; Carlton, 13,171; or a total of 55,350, while the number of persons within a mile radius from the Spencer-street station was no more than 29,782, and the number within a similar radius from the Flinders-street station did not exceed 31,286. Beyond the mile radius there were some 20,000 or 30,000 additional people who were interested in the line. The district which the line would immediately serve was the most populous, not only in the metropolitan district, but in the whole colony. The northern suburbs of the metropolis had been too long neglected in the matter of railway accommodation, and it was only right that they should have a share of the plunder which was going.

Mr. GARDINER said he had always contended that the "outer circle" was the line to serve the northern suburbs, and the effect of authorizing this Fitzroy branch would be to save the Tramway Company from constructing a tramway right up to the "outer circle" line. Certainly the State was not called upon to construct a line in the interests of the Tramway Company. The line would be of no benefit to Carlton or Collingwood people, and would benefit only a few persons who lived near the intersection of Alexandra-parade and Langton-street. In fact, there was great jealousy in Fitzroy over the line. The Minister of Lands had had to bring pressure to bear upon the Minister of Railways to induce him to propose that the line should be included in the Bill. (Lt.-Col. Smith—"Is it a political line?") It was a job; and he was sorry the good name of the Ministry was going to be tarnished by such a job. It would give an unfair and undue advantage to Fitzroy over other northern suburbs; and he was not prepared to sit quietly by and see the district he represented robbed of its legitimate trade. He considered that, under any circumstances, the line might be allowed to remain in abeyance. It could be constructed at any time. It would go through a public reserve—the Edinburgh Gardens—
and the other land which it would traverse would not much increase in value. So that there was no urgency about the matter. Honorable members representing country districts had dwelt upon the necessity for constructing lines to enable struggling selectors to bring their produce to market, and yet, forsooth, when he was willing to assist them by throwing out this line, so that the Government railway scheme should not be hampered with lines which were unnecessary, he experienced a great want of sympathy. He hoped the Minister of Lands would be able to justify before the committee his position in connexion with this line.

Lt.-Col. SMITH remarked that, a fortnight ago, the honorable member for Fitzroy (Mr. Reid) seemed to be violently opposed to the Bill, and ready to obstruct any and every line, no matter where it went. But ever since it had been known that the Fitzroy branch line was included in the supplementary proposals of the Government, he had become one of the quietest and most tractable supporters of their scheme. The honorable member for Carlton should recollect that he had not a Minister for a colleague. For that reason he could not expect the oracle to be worked so effectually in his favour as it had been in favour of the honorable member for Fitroy. There was no doubt that lines had been included in the Bill which were neither more nor less than political lines—lines to serve political purposes—lines to placate members who sat behind the Government and gave them an unswerving and subservient support. He considered it important, in view of the lines not included in the Bill, to make investigation as to how some of the lines which were provided for came into the measure. For example, there was a line in the Attorney-General's district. He would like the Railway Commissioners to be examined at the bar as to what they had to say about that line. (An Honorable Member—"That line has been agreed to.") It was not too late to raise the point. When the Bill came before the House for third reading, it would be competent for an honorable member to take objection to any portion of the measure. Then there was a line in the district represented by the Minister of Railways—the line from Tatura to Echuca—which was not to be compared, for one moment, with the line from Boort to Kerang, and from Kerang to Swan Hill. The Government ought to have left their supporters free to vote according to their own discretion, instead of bringing pressure to bear upon them. If they had done so, no honorable members would have had any cause for complaint even if the Government had voted against every line which was not submitted by the Minister of Railways. He (Lt.-Col. Smith) regretted that the Railway Commissioners had not performed their duty under the Act by which they were appointed, and furnished an estimate with reference to the various lines included in the Bill. If they were compelled to give evidence on the subject, honorable members would find that some of these lines were as bad political lines as had ever been placed in any Railway Bill brought before Parliament. He called them Governmental lines. He hoped that the honorable member for Carlton—if he really desired any information about the line now before the committee—and other honorable members who had been played with, would insist on the commissioners being examined at the bar of the Assembly. The commissioners were supposed to manage the railways, and Parliament had been told that they were appointed to prevent any political lines being made in the future, as well as to do away with political patronage in connexion with the Railway department. It was only right that they should be called to the bar, in order that honorable members might get some information as to the lines which had been inserted in the Bill to placate the constituents of Ministers themselves. Some lines had been put in and others left out without any justification.

The CHAIRMAN.—The honorable member is really not in order. He is not discussing the question before the chair.

Lt.-Col. SMITH moved that progress be reported. He would remind honorable members that there was scarcely any possibility, after this measure was passed, of any further scheme of railway extension being brought forward for the next decade. There must be some evidence given about the lines before the Bill was allowed to pass. Three Ministers had got lines placed in the Bill which would never have appeared there if they had not been in power. In fact, the Government had taken advantage of their position to endeavour to get lines constructed in order to secure their own seats at the expense of the country. That was grossly unjust. None were more conspicuous in that respect than the Minister of Railways and the Attorney-General. The lines proposed to be constructed in the districts represented by those honorable gentlemen were most glaring instances of political railways. Honorable
members were asked to sanction lines without any information—without any facts being laid before them to show that the lines were justified. There was one line, in the Attorney-General’s district, about which there was no report whatever except from a shire engineer. Lines had been placed in the Bill not only to placate the constituents of Ministers themselves, but also to placate the constituents of Government supporters. While proposing to make lines for which there was no justification—lines that were not required on any public grounds, and would never pay—the Government had left out other lines that ought to be constructed. Some supporters of the Government, who were most rampant until they got certain lines inserted in the Bill, voted with the Government the previous night, like dumb dogs, against a line for which there was far stronger justification than there was for many of those contained in the Bill. Honorable members must admit in their inmost hearts that the measure included a number of political lines of the worst possible description. It was very desirable that honorable members should have the commissioners at the bar before the Bill left the Assembly. (Mr. A. T. Clark—"You might as well have an old washerwoman.") At all events, honorable members would be able to get from the commissioners all the information there was in the department with reference to any of the lines. He, for one, was prepared to vote for having the commissioners examined at the bar, so that the country might ascertain the reasons why some of the lines had been placed in the Bill.

Mr. BOSISTO stated that he would like to have some more information with reference to the Fitzroy Railway. It was a short line, going through a populous district, and he did not see why it should be constructed in preference to a number of other lines advocated by honorable members, but which the Government did not propose to include in the Bill. In fact, he did not see what need there was for this line at all. If it was intended to form a portion of a large scheme which must ultimately be carried out, he could understand it; but from the particulars he had gathered concerning it, he did not think that it ought to receive any consideration whatever. It was a branch line through a district which would shortly be fully served by tramways. The committee might with much greater propriety be asked to sanction some other lines instead of this one.

Mr. BENT remarked that the committee had a right to know what was the estimated cost of this line, and what object it was intended to serve. (Mr. Mirams—"Was it not in your Bill?") The line in this Bill was for a different purpose. The late Government proposed to tunnel under Napier-street. They had the authority of competent engineers that it would be possible to construct a line from Jolimont to Napier-street by means of a tunnel through the Fitzroy-gardens. By the Fitzroy line which they proposed they had a definite object in view, namely, to bring the Whittlesea line direct to Melbourne; but the present Government did not want to do that, because they were making the "outer circle" line. Then what was the object of the line proposed? It was a little line a mile long, crossing the "outer circle" line, and going nowhere. What object could there be in making it except to connect with the tramway system? Was the intention of the Government to enable the Tramway Company to get out of their responsibility? The Minister of Railways had not thought it worth his while to submit any plan of the line. If the honorable gentleman had taken a blackened stick and rubbed it on a piece of paper the committee might have understood something about the line, but at present they knew nothing about it. What would be the cost of the line? Would it be made for £20,000? (Mr. Tucker—"For half that money.") How many members knew anything about the line? He thought that he was justified in asking for an estimate of the cost of the line. He believed the Minister of Railways could find competent engineers who would tell him that the route under Napier-street was the easiest and best way of connecting the Whittlesea line with Melbourne.

Mr. TUCKER said that, when the proposal of the honorable member for Brighton to make a loop-line to connect with the Whittlesea Railway was before the Assembly, nothing was said in the House about tunnelling under Napier-street. That proposition was made outside the House by private engineers. He (Mr. Tucker) spoke to the Engineer-in-Chief on the subject, and he was informed that the scheme was not a feasible one—that there were engineering difficulties in the way of it which could not be surmounted. The line now proposed was not merely to convenience the people of Fitzroy. It was an extension towards the Heidelberg-road of the Fitzroy and Whittlesea Railway, and would do an immense
amount of good to Fitzroy, as well as to Collingwood and North Carlton. (Mr. Gardiner—"Leave North Carlton out of the matter altogether.") He knew exactly the reason why the honorable member for Carlton was opposing the line. The honorable member, however, did not in the least oppose the line when it was before the Assembly on a previous occasion.

Mr. GARDINER stated that he would have opposed the line on the previous occasion but for the fact that he had the assurance of the then Minister of Railways that it would be thrown out in the Legislative Council.

Mr. TUCKER remarked that he could scarcely credit the statement.

Mr. BENEDICT said every line he proposed was a bond issue one. He thought this was a sufficient answer to the statement of the honorable member for Carlton.

Mr. TUCKER observed that up to the present time not an inch of railway had been given to the northern suburbs, and the absence of railway communication had acted very detrimentally to those suburbs; while, on the other hand, an enormous amount of money had been expended in railway communication to the suburbs on the south of the Yarra. It was a misnomer to call the line now under discussion a Fitzroy or Brunswick line. It was, as he had already said, merely a lengthening of the Fitzroy and Whittlesea Railway by three-quarters of a mile, and would do an immense amount of good. Some idea of the traffic of the district which it would serve might be gathered from the fact that when tolls were in existence the tolls along the Heidelberg-road amounted to £50,000 per annum. The line would not be expensive to construct—it would cost about £10,000—and the property which would have to be purchased along the route would be very small, as a portion of the line would pass through Crown lands and a large reserve. It would join Fitzroy not only with the Whittlesea line, but also with the "outer circle" line.

Mr. WOODS said it was much to be regretted that plans had not been provided of the various lines, because without plans honorable members could not give an intelligent vote. Speaking generally, the suburban lines were a financial failure, and he defied either the Minister or the Commissioners of Railways to make them a success. No doubt, in England and other European countries, where railways were in the hands of private companies, suburban railways might be worked profitably; but the circumstances in these countries and in this country were entirely different. Private companies could charge fair rates, but here the Government were constantly being asked to reduce the fares on the suburban lines, and increase the expenditure on those lines. After this Bill passed there would be no prospects of country districts which were not provided for obtaining any railway communication for the next ten or fifteen years. It was unfair that people in the country districts should be called upon to make up the deficiency in the revenue from the suburban railways year after year. The suburban lines were not paying, and never would pay;-(Mr. Gillies—"Oh! yes.")—and the line now before the committee was merely an extension of the suburban system. He had been one of the principal objectors to the "outer circle" line, and one of the chief reasons why he objected to it was on account of the number of level crossings that it would involve in addition to the extra distance which both goods and passengers would have to be carried by it. If that was the case, the expense of working the line would be great; what the income would be he did not know. Persons going by the "outer circle" line to Melbourne from any part of North Fitzroy would have to travel a distance of three miles. Supposing it was a run of three miles, and then the passengers got to Spencer-street, how much nearer would they be to the business part of the city than they were in North Fitzroy? Tramways from North Fitzroy would bring them to the heart of the city for 3d. without any change of carriages at all. The railway system could not possibly compete with tramways; the tramways must yet reticulate the whole of Melbourne and the suburbs. If that were so, then why waste money on a line which was notoriously only for carrying passengers? If a circle with a radius of five miles from the General Post-office was drawn, and the railways were kept outside of that—within the circle being strictly a tramway system—then they would have some chance of paying, but he thought none of these lines could pay, and that was his principal objection to them. The Minister of Railways had interjected that they were going to pay, and he (Mr. Woods) was quite sure that a little information on that score, even in the way of prediction, would be gladly received by the country. The people in the country districts far away from railway communication were getting tired of providing further suburban
railway accommodation for Melbourne in every new Railway Bill that was brought forward—suburban accommodation which was not at all required under the circumstances. He would like to know how the Minister of Railways was going to make the suburban lines pay, when he knew that the House was to a large extent controlled by the votes of members who would take good care that their constituents were carried for almost nothing.

Mr. GILLIES stated that he did not see the object of turning this discussion into a debate on the suburban system. This Parliament was not responsible for the suburban system at all. Another Parliament purchased the Hobson's Bay Railway and committed itself to an expenditure which, he was perfectly certain, was altogether unknown, as otherwise it was very doubtful if Parliament would ever have entered upon it.

The department had to reconstruct a considerable portion of those lines, to equip them afresh with rolling-stock, and, in fact, to make them almost new lines. Could it possibly be expected, under such circumstances, that the lines would immediately pay 3, 4, or 5 per cent. above working expenses? As he stated, however, in introducing this Bill, he had no doubt whatever, looking at the vast increase of population going on on the south side of the Yarra and the outer suburbs, the lines would pay in a very few years. As for the competition of the tramways, he believed that the greater the facilities that were afforded for passenger traffic generally the greater would be the amount of the traffic. He had no doubt that the tramways would pay remarkably well, and in a great many places they would not compete with the railways at all. (Mr. Woods—"Not within five miles?") Not within five miles. In other parts of the world suburban railways yielded immense profits. (Mr. Woods—"Where?") In London, for instance. (Mr. Woods—"There they belong to private companies, which is a different thing.") He apprehended that in the future they would be able to work the general system of suburban lines in a very much better way than they had been able to do in the past. Moreover, were it not for the immense sums which had to be paid on account of accidents, the suburban lines would be in a much better position than they were. In one year, £120,000 for compensation was a serious amount to take from the earnings of one line. (Mr. Woods—"That is the result of bad management.") It was hoped that the bad management would not continue, and that therefore the lines would pay better in future. But in regard to the lines proposed to be constructed on the north side of the Yarra, honorable members seemed to forget that there was a line which commenced close to the Heidelberg-road, near Northcote, crossed the Merri Creek on a most expensive bridge, and went to Alphington. That line had been constructed at a cost of nearly £60,000, and had never yet earned a farthing. It must be connected with the railway system somewhere, and there was no other way in which it could be connected, except by Spencer-street. That was the reason it was proposed in the Bill of 1882, and in the present Bill, to connect that line with the line from Royal Park to Clifton Hill, so that persons travelling on the Alphington line might be able to come to Spencer-street. (Mr. Woods—"A few plans would be very handy.") Plans of this railway were circulated in 1882, and the whole question was thoroughly discussed. It was proposed by the Government to connect all these lines in the "outer circle," because the Bill of 1882 proposed to go as far as Camberwell, and there was only a short gap which this Government felt perfectly justified in connecting. As to the present line, honorable members who knew the districts to be served would see that it was a very reasonable one. Persons coming from Whittlesea and that direction would be very glad to have the opportunity of either coming out at the Heidelberg-road or else going on to Spencer-street. After all, the cost of the line was only £10,000, and it must be remembered that there had been complaints from the northern suburbs for years back that, while the districts on the south side of the Yarra and the country districts were being provided with railway communication, they were neglected. The people of Fitzroy, Collingwood, and other northern suburbs had for years past contributed their share of the interest which had to be paid on the money borrowed for railway construction, and it was scarcely reasonable to grudge them the few thousand pounds they now asked for railway communication. The people of no part of Melbourne had ever grudged the expenditure of money in railway communication in the country districts so long as it could be shown that it was at all reasonable, and they did not persist in asking that evidence should be produced to show that those lines would immediately pay 4 or 5 per cent, over and above working expenses. Compared with the large amount proposed to
be devoted to railway construction in the country districts, the sum asked for these suburban lines was hardly worth talking about, and in view of the fact that Melbourne and its suburbs really contained one-third of the whole population of the colony, it was not too much to expect that a little consideration should be sometimes shown to their claims.

Mr. HARPER said he could not help thinking that it was unfortunate that the Government had not kept the scheme for communicating with the northern suburbs by a tunnel from Jolimont more largely in view, as it would save the necessity for that cross-section from Royal Park to Clifton Hill which the Minister of Railways had stated to be absolutely necessary in order to bring the traffic from Heidelberg and Alphington to Melbourne. (Mr. Gillies—"If you waited for that, you would wait twenty years.") He was not opposing the construction of this line, but he thought it was a pity that the honorable members for Collingwood and Fitzroy had not turned their attention to that route, because they would thus have a direct line with a central terminus. He believed that ultimately that would be the route adopted, although he agreed with the Minister of Railways that immediate communication with Spencer-street was necessary to be provided in order that the whole railway system might be connected. He believed that the northern suburbs should have their fair share of railway communication; and, although he differed from the policy adopted by the honorable members for Fitzroy and Collingwood on the subject, seeing that they did take this view, their ideas were entitled to consideration.

Mr. MIRAMS observed that he could not agree with the Minister of Railways that this was an inopportune time to discuss the question of suburban railway accommodation. This was the first item of suburban construction the committee had been invited to discuss, and it was only fair that they should discuss the whole question upon it if they desired to do so. He thought it was unfortunate that the committee had not been furnished with a plan of the present line, because he felt sure that if honorable members had plans before them the opposition which had been raised to the line would be at once withdrawn. The Minister of Railways was not correct in saying that the House and the country did not know anything of what would be the outcome of purchasing the Hobson's Bay Railway, because at the time when that purchase was proposed by the McCulloch Government, and subsequently when it was adopted by the House, there were honorable members who differed from the majority, and who took great pains to investigate the proposal in its financial aspect. He (Mr. Mirams) took upon himself to show to a demonstration that the purchase of that railway was bound to be a loss to the country at the price that was paid for it. To show how the other suburban districts and the rest of the country had to put their hands in their pockets in connexion with this monstrous purchase, he would refer to the results of the past year's transactions as given in the report of the Railway department for 1883. The total amount of compensation paid for accidents last year was only £25,000, so that this could not account for the state of affairs. The report stated—

"The balance of revenue, after charging all working expenditure of every description, including the £25,000 above referred to, is £23,578 13s. 4d. only. The capital cost of these lines, including their proportion of rolling-stock, was, at the 31st December last, £1,631,097, and on this the net revenue was equal to 1 4½ per cent."

In other words, there was not 1½ per cent. to go towards paying the interest upon the capital, so that if the interest was taken at 4½ per cent.—and much of it still remained at 5 per cent.—there was thus a loss of 3 per cent. last year on £1,631,097 upon these 16½ miles of railway. There never was anything more ridiculous than to attempt to make the House and the country believe that the Hobson's Bay Railway would pay next year, unless there was a radical change in the fares charged to travellers. The report also said—

"The increase of revenue on these lines has not, on the whole, been so satisfactory during the past year as in 1882. This is not, however, owing to any decrease in the passenger revenue, which has again made satisfactory progress, as will be seen from the following statement, but from the decline in the amount received from carriage of goods."

The decline in the amount received from the carriage of goods was £8,770. No doubt a great deal of this decline was accounted for by the fact that the Harbour Trust improvements were bringing more vessels direct to Melbourne to discharge their cargoes at the Melbourne wharfs instead of at Sandridge, and, if this were so, the decline might be expected to go on increasing. It was pointed out at the time the railway was purchased that this would be the case. The report further stated—

"The increase in passengers carried amounted to 2,106,814, but the additional amount received from this increased number of passengers was only equal to 1 35d. per passenger per journey. As the average length of journey on these lines
exceeds four miles, it follows that a little over a farthing per mile was received on the average for the extra number carried. The same state of things was pointed out in the report of last year, and it is evident, therefore, that the fares charged on these lines will require careful revision and adjustment."

Thus, although there was an increase in the number of passengers in one year to the extent of 2,160,911, yet there was a loss of 8 per cent. on the working of the railway. What he maintained was that the people of the northern suburbs, who had to pay their share on this 8 per cent. loss, had as much right to a railway to bring them into communication with Melbourne, and to enhance the value of their properties, as the people of the southern suburbs had. He said, let them have their suburban railway, let all be treated alike, but let the Government have the courage to fix such a tariff of charges upon both the northern and southern suburban railways as would, at all events, prevent them from being a loss. Private companies could start omnibuses and tramways, carrying passengers at a rate which produced a handsome profit, while the State had to submit to a loss of 3 per cent. upon £1,600,000. While the suburbs should be treated with equal justice in regard to railway communication, it was also the duty of the Government to see that, at any rate, the community suffered no loss by those lines. As to the tunnel under Napier-street, he did not know whether the proposal came before the House, but it was brought before him and a great number of people resident in Fitzroy, and what they said was very fair. They wanted to know why all the people from the northern suburbs and that direction should be compelled to come down to the tunnel under Napier-street, and then turn away to the right across North Fitzroy, Carlton, and the Royal Park, and then go round by Hotham to Spencer-street, where they would have to take a 'bus or train in order to get into the heart of the city? All the lines should converge to a point, and be brought under Napier-street to Jolimont, or by some route that would bring the people in at Flinders-street. So far as the present small branch line would facilitate the future bringing in of the traffic from the northern suburbs direct to Melbourne, it should command the support of the committee, but the northern suburbs would not be fairly treated until they had as direct means of communicating with the city as the southern suburbs had.

Mr. WRIXON stated that it was impossible not to agree with the complaints of honorable members that there was really no information about this line. He had advanced the view more than once that the committee ought not to pass any line without knowing something about the probable traffic and cost; and, as much as he knew nothing about the present line, if a division was called for he would certainly vote against it. He was sorry that some of the honorable members who were asking for information now did not adopt the same view as to the necessity for information earlier in the discussion, because when at the outset several honorable members asked for information regarding the lines in the Bill their request was ridiculed. He would also like to point out to the committee that as this was the first of the Melbourne suburban lines a very important question was raised by it—whether the Government ought at all to make lines about Melbourne to compete with the cabs, tramways, and omnibuses. Was that a function of the Government, or one which it could successfully perform? In his opinion—although there was, he feared, little hope of getting the committee to consider the matter seriously—the Government ought not to make any of these suburban lines, but should lease the whole of the suburban railways to companies, and let the companies go in against the cabs, tramways, and omnibuses. He thought the State should be confined to constructing railways in the country districts where they could not be expected to be constructed by private capital, but in a city like Melbourne it should be left to private enterprise to carry out this work. The existing lines should be leased to companies, and the companies would make further lines wherever it would pay to do so.

Mr. BENT suggested that the proposition under consideration should be postponed until honorable members had complete estimates before them. It was important that further information on the subject should be afforded, because a certain section of honorable members were crying out in chorus that suburban lines would not pay. They were, however, clearly in the wrong. Of course it was a mistake for the State to pay so much for the Hobson's Bay lines. He, as well as other honorable members, resisted that arrangement as strongly as they could, but no notice was taken of their warnings until it was found that there was substantial foundation for them. What, however, was the remedy proposed? Originally Brighton provided its own railway, but the line subsequently got absorbed into the
Hobson's Bay system, and now the idea was that, because the Hobson's Bay lines cost too much, the Brighton people should suffer through an increase of fares. But it was not the Brighton fares that wanted reforming. It was rather the system under which persons could ride to and from South Yarra for 1½d. that was objectionable. The Brighton fares were high enough; but with respect to stations so much nearer town that the people living near them, and who paid at the utmost only some 7s. 6d. for a monthly ticket, could go home from town to lunch, reform was sadly required. However, he did not want to occupy the time of the committee, or to enter upon the question of suburbs versus country, so adroitly raised by the honorable member for Collingwood (Mr. Mirams). (Lt.-Col. Smith—"Why should travelling cost a farthing per mile in the suburbs, and a penny per mile in the country?") But did such a difference really exist? He, for one, was not going to raise suburban fares in order to play into the hands of the Tramway Company. Neither was he going to support the construction of a line that would cost many thousands of pounds per mile against that of the lines refused by the Government which would cost only a comparatively trifling sum per mile. He had been assured by engineers, whose names if they were mentioned would carry weight, that the best plan would be to start a line from Jolimont, and tunnel along under Napier-street.

Mr. GARDINER remarked that it was the proposed "cockspur" line, not a regular system of suburban railways, that was objectionable. The Royal Park and Clifton Hill line was part of the "outer circle" railway from which the Whittlesea line would branch off, but the line now in question was one starting from the Whittlesea intersection to run into Fitzroy, and it was something that deserved opposition, for it would simply assist the Tramway Company.

The motion for reporting progress was negatived.

The sub-section was then agreed to.

Mr. WOODS proposed the adoption of the following sub-section:

"A railway commencing at Stawell, proceeding via the valley of the Richardson, and terminating at the St. Arnaud Railway; in the line and upon the lands described in the schedule hereto, to be called the St. Arnaud and Stawell Railway."

He said he had not the slightest expectation that he would be able to induce the Government or the committee to include this line in the Bill, no matter what arguments be adduced in its behalf; but with all the liberal provision the Bill already made in the matter of railway accommodation, he could not let Parliament overlook the fact that the district on behalf of which he was now speaking had suffered greatly for want of a railway for very many years. It was the territory along the valley of the Richardson, lying between Stawell and St. Arnaud—a fine piece of wheat country, which was settled as far back as 1865 by 320-acre farmers, there not being what could be called a large estate from one end to the other. These settlers were placed at a huge disadvantage, for the peculiar nature of the soil stood greatly in the way of road-making, and in consequence they could only take two loads per week to their market. In short, the only genuine objection that could be offered to his proposal was that it was made rather late in the day, for its claims to consideration were so strong that the Minister of Railways admitted that had they been brought earlier under his notice he would in all probability have endeavoured to meet them in the Bill. Still he (Mr. Woods) would express the hope that, in view of the savings that might be hereafter effected by dispensing with certain really unnecessary railway works, and adopting to a certain extent a system of light railway construction, the Government would deviate from the rigid policy they had hitherto laid down, and consent to do something for the people of the Richardson Valley. As to the nature of the route, he could say that the example set with respect to the Yackandandah line having been followed, the shire engineer could give a deal of information on the subject. (Mr. Kerferd—"It was an engineer employed by the shire council, and not the shire engineer, who surveyed the Yackandandah line.") In any case the shire engineer to whom he now referred was a real engineer. In addition, he would mention that the people to be served by the proposed railway would be perfectly content with a line costing only £2,300 per mile, that was to say, a more produce line, which might, of course, carry passengers, but the trains on which would in any case only travel at a very slow rate of speed. Another advantage derivable from the construction of such a railway was that it would serve as the basis of an experiment as to whether the light construction he had in view would meet the wants of the country. As might be expected, it would be of the simplest character. The rails would almost follow the surface of the land, and there would be no fences or gates.
or indeed any of the expensive equipments of ordinary lines. It should be borne in mind that, owing to the recent opening to selection of a number of reserves in the Stawell district, and to the allotments there being limited, in consequence of the number of applicants, to 150 acres each, the settlement he now aimed at accommodating would shortly be of an extremely dense character.

Mr. GILLIES stated that it was only a few days since a deputation, introduced by the honorable member for Stawell, waited upon him to represent the merits of the line proposed, and he then heard of it for the first time. Under these circumstances, honorable members would scarcely be surprised to learn that the Government could hardly see their way to comply with the demand now made upon them. At the request of the deputation, he sent an officer to go over the line; and, judging from his report, which was made upon them. At the request of the deputation, he sent an officer to go over the line; and, judging from his report, which was not the ancient hydra, the monster with many heads, because it had but one head, and that was in Melbourne. The peculiarity of the hydra he referred to was that, if it were turned inside out, it lived then just as well as it did before. The Bill, since its first introduction, had been turned inside out once or twice, and yet it had not been injured at all. In fact, it could not be injured; and he did not think the present Bill was much better looking. It reminded him of a creature called the hydra—not the ancient hydra, the monster with many heads, because it had but one head, and that was in Melbourne. The peculiarity of the hydra he referred to was that, if it were turned inside out, it lived then just as well as it did before. The Bill, since its first introduction, had been turned inside out once or twice, and yet it had not been injured at all. In fact, it could not be injured; and he did not think it possible, even by another turning inside out, to make it very much worse. Another peculiarity about the animal he referred to—if he might speak of such a gelatinous creature as an animal—was that it had a large number of tentacles extending in every direction, contact with which, owing to the existence of some peculiar poison, meant instant death. So with the Bill. When the Government saw that there was some danger of the measure, in its original condition, not succeeding in having sufficient power over the majority, they gave it a larger number of arms, which, when they touched various members of the Assembly, so influenced them, owing to the action of the peculiar poison, that they lost independence of judgment, and seemed unable to vote on proposals for new lines according to their merits. Complaint had been made, and he thought rightly, that honorable members had had to vote to a large extent in the dark; and he considered that with respect to some of the lines which the committee had sanctioned, the Government

Mr. D. M. DAVIES moved the insertion of the following sub-section:

"A railway commencing at or near Ballarat East station, and terminating at or near the township of Buninyong, in the line and upon the lands described in the Schedule hereunto, to be called the Ballarat and Buninyong Railway."

He believed that if this line were taken on its merits, and if honorable members were free to exercise their votes according to their own individual judgment, it would be included in the Bill. The Railway Construction Bill brought forward by the honorable member for Brighton two years ago was compared to an octopus; but he did not think the present Bill was much better looking. It reminded him of a creature called the hydra—not the ancient hydra, the monster with many heads, because it had but one head, and that was in Melbourne. The peculiarity of the hydra he referred to was that, if it were turned inside out, it lived then just as well as it did before. The Bill, since its first introduction, had been turned inside out once or twice, and yet it had not been injured at all. In fact, it could not be injured; and he did not think it possible, even by another turning inside out, to make it very much worse. Another peculiarity about the animal he referred to—if he might speak of such a gelatinous creature as an animal—was that it had a large number of tentacles extending in every direction, contact with which, owing to the existence of some peculiar poison, meant instant death. So with the Bill. When the Government saw that there was some danger of the measure, in its original condition, not succeeding in having sufficient power over the majority, they gave it a larger number of arms, which, when they touched various members of the Assembly, so influenced them, owing to the action of the peculiar poison, that they lost independence of judgment, and seemed unable to vote on proposals for new lines according to their merits. Complaint had been made, and he thought rightly, that honorable members had had to vote to a large extent in the dark; and he considered that with respect to some of the lines which the committee had sanctioned, the Government
themselves were in the dark. It was impossible to believe that the Government, if they had been thoroughly acquainted with the facts connected with those lines, would have included them in the Bill. Such a line was the line from Terang to Mortlake, which would serve a region of large estates, where there were very few people, and scarcely any crops at all. The Minister of Railways, in introducing the Bill, laid down the principle that any old settled district, which had been left without railway accommodation, although it had contributed its share towards the cost of railway construction in other directions, ought to receive consideration at the hands of Parliament. That was one way in which the honorable gentleman accounted for the very liberal manner in which the cost of railway construction in other regions was answered in the case of Buninyong. Another principle which the Minister laid down was that some permanence should be shown, particularly in the shape of rich agricultural land. Both these requirements were answered in the case of Buninyong. Around Buninyong there was some of the richest land to be found in the colony, some of which commanded £50 and more per acre, and which grew the largest root crops known in Victoria. Then again, Buninyong was one of the oldest townships in the colony. It was in existence long before Ballarat was thought of. The first discovery of gold in the Ballarat district was made at Buninyong. There was every indication that the prosperity of the place was not only established but was on the increase. The borough was surrounded by some of the richest quartz mines, of a permanent character, to be found in the whole district. The railway which he was anxious should be constructed between Ballarat East and Buninyong would be only six miles long; it would be easy of construction; it would go through Crown lands for a great part of the distance; and a sufficient quantity of ballast was obtainable within easy reach. The reasons advanced by the Minister of Railways for the rejection of the line proposed by the honorable member for Stawell could not possibly apply to a railway from Ballarat East to Buninyong, because the necessity for such a line had been brought under his notice and the notice of his predecessor. He understood that the Government objected to the proposal, not because they believed it would not pay, but because they thought the district should be served by a tramway, which they believed would be a successful venture for local people to undertake. But if the thing would pay well, why should not the State have the benefit, and so be compensated for the loss which would arise in connexion with some of the lines that the Bill provided for? When railway communication between Ballarat and Geelong was first projected, the people of Buninyong fought hard to have the line brought through that borough, but influence was exerted in favour of the line passing on the north side of Mount Buninyong. That influence was successful, and the result was that the line was taken up Mount Doran in order to be taken down Mount Warrenheip, whereas both this ascent and descent would have been avoided if the route through Buninyong and Sebastopol had been adopted. (Mr. Gillies—"But Ballarat East would not have been served.") It would have been served some way, no doubt. With regard to the proposal which he was submitting, the Ballarat Star stated recently—

"The ancient village of Buninyong is asking for railway communication with Ballarat. If any district has strong claims for a line, it must indeed be Buninyong. Many people residing in distant parts of the colony are under the impression that the old township has railroad communication with the Golden City, because in bygone days travellers along the Ballarat and Geelong line used to hear mention made of 'the Buninyong railway station.' That station, which was as far from Buninyong as Ballarat East, was now known as Yondon. The article proceeded as follows:—"

"In making the proposed railway from Ballarat to Buninyong, there would be no need for a great outlay on the part of the country. The line would necessarily be light, and therefore inexpensive, as the distance to be travelled would embrace only a very few miles. As Mr. Greaves concisely put it, on the 14th June, last year, the passenger traffic in public conveyances was 371, and by private vehicles 175, or a total of 447. This was on a Saturday, and on a Wednesday the number was 271, giving an average of 559 per day. This, too, in the depth of winter, which was the most unfavorable period of the year. Mr. Greaves considered that the passenger traffic alone would return £4,225 per annum. With regard to goods traffic, there were 2,480 loads weighed on the local weighbridge, and many more were not weighed at all. Last month (May) 411 loads passed over the weighbridge, or equal to 1,060 tons, and to this they might fairly add 550 which were not thus recorded. Several mining companies are, it was also pointed out, in full work, and the Buninyong Estate Company produced 2,659 ounces in ten weeks. With the excellent future prospects of the grand old Buninyong district in view, Mr. Greaves, who professes to have a thorough knowledge of the requirements of Ballarat and its environs, cannot but recommend the adoption of the much-needed line."

The following statistics with reference to the area within a radius of two miles and a half from the centre of Buninyong had been furnished by the Government Statistic:-

"Estimated population, 2,956. Value of rateable property = annual, £18,668; total, £159,675."
Number of farms, 172; horses, 692; cattle, 3,265; sheep, 9,069; pigs, 940. Area under cultivation—Wheat, 216 acres; oats, 553 acres; other cereals, 298 acres; root crops, 953 acres; hay, 857 acres; other tillage, 207 acres; total, 8,064 acres. Produce—Wheat, 6,039 bushels; oats, 21,500 bushels; other cereals, 10,750 bushels; root crops, 4,835 tons; hay, 1,869 tons. Value of implements and machinery, £5,804; value of improvements, £29,521."

He might point out that these figures related only to one end of the proposed line; they did not cover both ends, as was the case with statistics furnished in support of many lines. However, he might mention that the estimated population of Ballarat East was 15,700, and that the value of the rateable property was—total, £350,000; annual, £58,270. He was quite sure that, with these facts before him, any impartial person would at once feel that, as compared with a large number of other lines, there could be no question at all as to the desirability of constructing this line from Ballarat East to Buninyong.

Mr. GILLIES stated that he would be very happy if he could see his way to recommend the committee to adopt the proposal. Old associations with the district alone would induce him to do much in that direction. But, in his opinion, the best possible course, in the interests of the district, was for the local bodies to join together to construct a tramway which would go straight through the township of Ballarat East, and down the main road to Buninyong. He believed that such a tramway, going through the heart of Ballarat, and picking up people, as it would, at every street corner, would be a great success. The honorable member for Grenville (Mr. Davies) knew better than he did the number of people who travelled between Ballarat and Buninyong every day of the week; but, if the places were connected by tramway, there would be on Sunday—on which day, according to the present rules, there could be no railway passenger traffic—more traffic than on all the other days of the week put together. With the most perfect desire to serve Ballarat and Buninyong, and fully recognising the claims which the honorable member for Grenville had advanced, he was satisfied that the best thing which could happen to the two places was that they should be connected together by means of a tramway; and any assistance which the Government could afford in connexion with such an undertaking they would be happy to render.

Mr. ANDERSON observed that the statement which the honorable member for Grenville (Mr. Davies) had made with respect to the Terang and Mortlake line must have been made in ignorance of the facts. That line would pass through one of the richest districts in the colony, but not through any large estates. It was true that there had been very little cultivation in the locality lately, but the reason was the absence of means for getting produce to market. There were many lines in the Bill which had far less claims than the Terang and Mortlake line.

Mr. A. YOUNG said he believed that, if the line from Ballarat East to Buninyong had been included in the Bill, it would have passed without a single word of objection. The distance was about six miles, and the line would not cost more than £2,000 per mile. It would give immense advantages to the district it was intended to serve, and, there was no question, would be a remunerative line. He had no intention to say a single word against any of the lines which the committee had already passed. It was only waste of time to do so. But, as a country member, he would put it to those representatives of metropolitan districts which would benefit by the suburban lines that had been sanctioned, that they should co-operate with him in obtaining the passage of a line which more resembled a suburban line than any other country railway which had been proposed.

Mr. JAMES stated that he quite appreciated the kindly sympathy expressed by the Minister of Railways with regard to old Ballarat associations, but what the people of the district wanted now was a railway rather than sympathy. He was afraid there was not the slightest probability of the amendment being agreed to. Honorable members might stand up and submit the best possible case, but it appeared that the Government had made up their minds to yield nothing further. At the same time he thought that an argument used by the Minister of Railways, earlier in the evening, that, in view of what had been done for country districts, it was only right that a large centre like Melbourne should have its fair share of what was being authorized in the shape of railway construction, applied with equal force to a large centre like Ballarat. Buninyong might fairly be regarded as a suburb of Ballarat. The two places could be connected by railway very cheaply; and there was no doubt the line would pay.

Lt.-Col. SMITH considered that the people of Buninyong deserved something more than sympathy from the Minister of
Railways. It should be recollected that, in the early days of the colony, a large amount of money was obtained by the State from the sale of land at Buninyong; he believed the land there fetched higher prices than in any other part of the colony outside Melbourne.

The committee divided on the question that the sub-section authorizing the Ballarat East and Buninyong Railway be added to the clause.

Ayes ... ... ... ... 32
Nocs ... ... ... ... 31

Majority for the line ... 1

---

Mr. Baker, Mr. Mirams,
" Bent, " Officer,
" Billson, " Dr. Quick,
" Bosisto, " Mr. Rees,
" Bowman, " Reid,
" Burrowes, " Lt.-Col. Smith,
" Connor, " Mr. Uren,
" D. M. Davies, " Walker,
" Gibb, " Woods,
" Graham, " Yeo,
" Graves, " A. Young,
" Hunt, " Zex.
" James, "
" Langdon, "
" McColl, "
" Mackay, "
" McLean, "

Tellers.

Mr. Cameron, Mr. McLellan,
" Cunningham, Sir C. Mac Mahon,
" M. H. Davies, Mr. J. J. Madden,
" Denkin, " Murray,
" Derham, " Ninnmo,
" Duffy, " Orkney,
" Fink, " Dr. Rose,
" Gardiner, " Mr. Service,
" Gillies, " C. Smith,
" Hall, " Tucker,
" A. Harris, " Wallace,
" J. Harris, " Wheeler,
" Kerford, "
" Keys, "
" Laurens, "
" Levien, "

Mr. A. T. Clark, Mr. Harper,
" Richardson, " Langridge,
" Robertson, " Anderson,
" Russell, "

The sub-section was accordingly added to the clause.

At this stage, the time for taking business other than Government business having arrived, progress was reported.

MELBOURNE TRAMWAY COMPANY'S ADDITIONAL BRANCHES BILL.

Mr. WALKER moved—

“That the standing orders relating to private Bills be dispensed with, so that the petition from the Melbourne Tramways Trust, presented to the House on the 9th October inst., may be referred to the select committee to which the Melbourne Tramways and Omnibus Company’s Additional Branches Bill has been committed.”

He said that the standing orders required the promoters of a private Bill to conform to certain rules in regard to advertisements. Those rules were not complied with in the case of the Tramway Company’s Additional Branches Bill, and the House determined to dispense with the standing orders so far as the Bill was concerned. After the Bill was referred to a select committee, the Tramways Trust formulated several amendments of a comparatively unimportant character which they wished to have introduced into the measure. The Examiners of Private Bills held that notice of the intention of the Tramways Trust to ask Parliament to insert the amendments in the Bill ought to have been advertised in the same way that notice of the Bill itself should have been advertised. He did not wish to dissent from the position taken up by the Examiners, but he would remark that the non-compliance with the conditions as to advertising was a mere technicality, and did not affect the interests of any persons concerned. He, therefore, asked the House to agree to the suspension of the standing orders. The standing orders required the advertising to take place in March and April, but the Bill was not printed until July or August, and therefore notice of the amendments could not have been advertised in March and April, because until they saw the Bill the Tramways Trust did not know what amendments they would wish Parliament to make in it. In proposing the motion, he held himself perfectly free to vote either for or against the amendments when the Bill came before the House from the select committee. He was now simply asking the House not to insist upon compliance with the standing orders on a mere technical matter; and the suspension of the standing orders would not pledge any honorable member to vote for the amendments. As the members of the Tramways Trust were elected by the municipal councils of Melbourne and the suburbs, the proposed amendments might be supposed to fairly represent the feeling of those bodies. If the standing orders were not dispensed with, the select committee would not be able to consider the amendments, and the passing of the Bill this session would be imperilled. He hoped that, under the circumstances of the case, the House would agree to adopt the same course as to the amendments that it did in regard to the Bill itself, namely, to suspend the standing orders. The matter
was merely of a technical character, and honorable members would have full opportunity of criticising the amendments when the Bill came from the select committee.

Mr. MIRAMS seconded the motion.

Mr. BOSISTO said he regretted to have to oppose the motion. The Tramways Trust had not consulted their constituents—the municipal councils of Melbourne and the suburbs—as to the petition which had been presented, and he was instructed that some of the amendments which the trust desired to have made in the Bill were entirely in opposition to the wishes of the municipal bodies. It appeared, therefore, that the trust were attempting to override their constituents. A conference, at which nine or ten out of the twelve councils interested in the question were represented, was held after the petition was presented to Parliament, and resolutions were passed declaring that it was not expedient that the members of the Tramways Trust should be paid for their services, or that their term of office should be extended.

Mr. COOPER stated that, as one of the Examiners of Private Bills, he would mention one or two facts, in order that honorable members might have the case fairly before them. The Tramways Trust desired to have some clauses inserted in the Tramways Company's Additional Branches Bill, giving the members of the trust certain privileges. They were appointed for one year, and they wished to have their term of office extended to two or three years, and also to be paid for their services. They presented a petition asking that the proposed new clauses should be inserted in the Bill, and the Examiners reported that the Tramways Trust "should have given notice by advertisement of their intention to apply to Parliament for the additional provisions as set forth in the clauses annexed to this petition," and that, not having done so, they had not complied with the standing orders relating to private Bills. On the 9th inst., the Tramways Trust presented a further petition, praying for the suspension of the standing orders, and, upon that petition, the Examiners reported that, in their opinion, "the standing orders referred to should not be dispensed with." The motion, therefore, involved something more than a mere technicality.

Sir C. MAC MAHON remarked that the statement made by the honorable member for Creswick (Mr. Cooper), as one of the Examiners of Private Bills, dealt with the question only as it affected the standing orders, and did not explain the whole matter. The fact was that no sooner were the members of the Tramways Trust elected than they turned round and practically said to the municipal councils who had elected them—"We have got here, and we are not going out so easily as you supposed; extend our period of office, and give us payment." Had they done this in a straightforward manner? Was the system of payment to be extended to all municipal bodies, or was it to be confined to one or two? If those who elected the members of the Tramways Trust had come before the House, and said that their representatives had done so much valuable work that they wished them to be paid for their services, and have their term of office extended, the case would be different. As it was, the Examiners of Private Bills were quite right in protesting against the suspension of the standing orders. Indeed, the Tramways Trust ought not to be allowed, through the medium of a private Bill, to impose taxation, which, according to all constitutional principles, ought first to be recommended by the Governor, and asked for by the Ministry of the day. He (Sir C. Mac Mahon), as one of the members for West Melbourne, had been requested by the municipal representatives of the city and their official spokesman to protest against the suspension of the standing orders. If the principle of making a private Bill the medium for imposing taxes on the ratepayers of the city and suburbs was once introduced, it would be difficult for the Legislature to check it, and it might lead to a very disastrous state of affairs.

Mr. LAURENS observed that though the honorable member for Richmond (Mr. Bosisto) was no doubt quite correct in stating that certain resolutions had been carried at a conference of representatives of municipal bodies, yet, as a matter of fact, the members of one of the bodies represented at that conference, namely, the Hotham Town Council, had taken the amendments desired by the Tramways Trust into consideration and had approved of them. He believed that the complaint of the municipal councils was not so much as to the matter contained in the amendments as it was to the manner in which the amendments had been brought before Parliament. The Tramways Trust were no doubt chargeable with overlooking the moral claim of the councils to be consulted as to the proposed amendments. Every council represented on the trust had since been informed of the amendments. (Mr. Bosisto—"And condemned them.") One council, at all events,
had not done so, as he had already stated. By voting for the motion to suspend the standing orders, honorable members would not commit themselves to support any of the proposed amendments. They would simply afford an opportunity for the Bill and the amendments to be considered and dealt with this session. He thought that the motion ought to be agreed to. Since he had been a member of the House he had never known an instance of the Examiners of Private Bills making such a report as they had done in this case.

Mr. BENT asked the Attorney-General to state what action the Government thought the House ought to adopt in regard to the motion.

Mr. KERFERD said it was the duty of the Government to support the observance of the standing orders unless special grounds were shown to the contrary. He had listened to the debate carefully, with the view of seeing whether a case could be made out in favour of the suspension of the standing orders, but he thought that instead of the requisite three-fourths of the House voting for their suspension the result of a division would be the other way. He, however, knew nothing more of the matter than he had heard that night. There could be no objection to suspend the standing orders to remove a mere technical difficulty; but in this case it was broadly stated that the Tramways Trust were acting in defiance of their constituent bodies, and surely the House would not allow itself to be imposed upon by suspending the standing orders under such circumstances.

Mr. MIRAMS contended that a very good case had been made out in favour of suspending the standing orders. A Bill had been introduced by the Melbourne Tramway Company for the purpose of obtaining power to extend their lines a greater distance than the original Act authorized, and also for making a few minor improvements which the working of the Act had shown to be necessary in order to carry out the tramway system successfully; and the Tramways Trust wished to have certain additional provisions and amendments inserted in the Bill. The promoters of the Bill did not comply with the standing orders, which required the insertion of certain advertisements in Melbourne newspapers in the months of March and April, and the House decided to dispense with those standing orders as far as the Bill was concerned. It was now asked to dispense with them as far as concerned the amendments which the Tramways Trust desired to have inserted in the Bill. The House having suspended the standing orders in the one case, it was absurd to object to their suspension in the other case. As the standing orders had been suspended to enable the Bill to be considered on its merits, surely they ought to be suspended to enable the proposed amendments to be considered on their merits. He was surprised that the Attorney-General, with his clear legal mind, could not see the position in which the matter stood. The House had admitted that it was impossible for the Tramway Company to have complied with the standing orders as to advertising, and, if it was impossible for the company to have done so, it was equally impossible for the Tramways Trust. The adoption of the motion proposed by the honorable member for Boronndara would not in any way bind the House to vote for the proposed amendments. It would simply give the select committee an opportunity of considering them, and reporting to the House upon them; and, when the report of the committee was presented, the House would have the opportunity of dealing with it as it thought fit. When the report was brought up would be the proper time for the House to say "Yes" or "No" to the amendments; but, as the honorable member for West Melbourne (Sir C. Mac Mahon) had thought proper to protest against the action of the Tramways Trust, he (Mr. Mirams) would say a word or two as to the merits of the case. The original Act made provision for the appointment of a board to manage the tramways, and it gave the members of the board power to pay themselves for their services. The Tramways Trust afterwards took the place of the board, but they had not got the power of payment distinctly and definitely defined, and they, therefore, proposed that by the amending Bill the provisions of the original Act which related to the payment of members of the board should be made to apply to the members of the trust. It, however, pleased a certain gentleman in the city of Melbourne, who took upon himself to lecture all other persons as to the political opinions which they should hold, to endeavour to put his veto upon what he called this payment of members arrangement, and accordingly he had taken advantage of the fact that the Tramways Trust had not complied with the technical requirements of the standing orders as to advertising. With respect to the proposed extension of the term of office of the members of the Tramways Trust, by the Act a great many members of the original board
were elected for life, and those representing municipal councils were elected for their term of municipal office, which was at most three years. What the trust now asked for was that the election of the first set of members should be reckoned from the present time, thus adding about nine months to their term of office, and that afterwards half the members of the trust should retire alternately each year instead of all retiring together. The effect of this would be that when the rotation got into regular working order each member of the trust would sit for two years and no longer. How did this square with what was implied by the honorable member for West Melbourne, namely, that the members of the trust wanted to take advantage of the innocence of the House to secure their seats permanently? It would be monstrous for the House to refuse to suspend the standing orders, so as to allow the amendments to be fairly discussed, seeing that it had already suspended the standing orders in relation to the Bill which had given rise to the amendments.

Mr. M. H. DAVIES remarked that, as far as he could gather, the opposition offered to the amendments intended to be proposed by the Tramways Trust in the Bill before the House chiefly referred to the tenure of office and resignation of members of the trust, and the payment of members of the trust. He thought if those three proposals, which were not considered of much importance by the promoters of the Bill, were removed from the amendments, the House would agree unanimously to suspend the standing orders, in order to remove the technical difficulties which had prevented the Examiners of Private Bills from giving their certificate enabling the select committee to consider the amendments. If the honorable member for Boroondara would make a statement to the effect that the three amendments referred to would not be placed before the select committee, he (Mr. Davies) hoped the House would consent to the motion, as no injustice could then be done by suspending the standing orders.

Mr. C. SMITH observed that the view taken by the different local councils on this matter had been very fairly put by his honorable colleague in the representation of Richmond. He (Mr. Smith) might state further that, before the Tramway Company's Bill passed the Assembly, a conference of the different municipal councils decided by a majority that members of the Tramways Trust ought not to be paid, and that the term of office should be twelve months. The members of the Tramways Trust elected by the different councils took office under those conditions, yet they were now endeavouring to upset those conditions by going behind the back of their constituents. The proposed amendments, regarding the tenure of office and payment of members of the Tramways Trust, were of a very important character. (An Honorable Member—"Strike them out.") If the honorable member for Boroondara would agree that those amendments should be excised, he had no doubt that the House would agree to the present motion, as there was nothing objectionable in the other amendments proposed to be introduced into the Tramway Branches Bill, and the Bill itself had been agreed to by every municipal council interested.

Mr. GAUNSON remarked that it was curious to him how the Tramway Company's Act, constituting a gigantic monopoly as far as the whole of the metropolitan districts were concerned, ever passed the Assembly. But while, by the 54th section of that Act, and the agreement embodied in it as one of its schedules, the right of making tramways (nominally given to the Tramway Company on the face of the Act) was transferred from the company to the Tramways Trust, by the amending Act, which was passed last session, the company perpetrated what, in his opinion, was a fraud upon Parliament and the country. The 2nd section of the amending Act provided that—

"Subject to the provisions of this Act, the Melbourne Tramway and Omnibus Company, Limited—

The company, be it noticed, not the Tramways Trust.

"may construct and maintain all tramway branches mentioned in schedule 1 of this Act, and this Act shall be read and construed, for all purposes except as herein otherwise provided, as part of Act 765, being the Melbourne Tramway and Omnibus Company's Act 1883."

A greater fraud was never perpetrated on an unsuspecting House than by that Act. Now they found the Tramways Trust coming to the House and asking for powers beyond those conferred upon them by the original Act, and in the teeth of, and without consulting, the ratepayers who were their constituents. He congratulated the city of Melbourne upon having a courageous and honest town clerk, who saw the mischief and evil, and had the courage to stand forth and show the things which were not beneficial to the public in the proposals of the trust. (Mr. Anderson—"Was it not the Richmond Council which called the meeting?")
He did not think it was. (Mr. Bosisto— "It was?") In any case the town clerk of Melbourne deserved the credit of having put forward the case on behalf of the public. This was a ring, and it was necessary for them to put their foot down upon it. On the 26th September this Tramways Trust, who were asking for additional powers in the Bill now before the House—a Bill, by the way, not promoted by the trust, but by this gigantic Boss-Tweedian-Tramway ring—held a meeting. The Tramways Trust consisted of one representative from each of the metropolitan municipal councils, and they appeared to be working hand in glove with the Tramway Company, although their interests were supposed to be different. While the company were struggling to look after the peace, it was the duty of the Tramways Trust to look after the interests of the public, as opposed to the interests of the company. When it was found that the Tramways Trust were asking for these additional powers, the various metropolitan councils were compelled to send delegates, irrespective of their representatives on the trust, to a conference to consider the matter. On the very same day that the Tramways Trust held a meeting in support of their proposals for additional powers, the conference of the municipal councils passed resolutions of a diametrically opposite character. The delegates from the South Melbourne Council withdrew from the conference before the resolutions were passed, as they demurred to a decision that the Melbourne Corporation should have two votes at the meeting while the other councils should only have one each. He thought that proposition was not unreasonable, having regard to the enormous extent of tramway lines which would run through the city of Melbourne, and he believed the South Melbourne delegates would have served the public interest better by remaining and taking part in the conference. The following resolutions were passed by the conference:

"That, in the opinion of this conference, it is not expedient that the members of the Tramways Trust should be paid for their services."

"That, in the opinion of this conference, it is not expedient that the term of office of members of the trust should be extended beyond the time mentioned in the Act."

"That the town clerk of each of the corporate places whose representatives at this conference concur in the foregoing resolution be requested to forward a copy of the same to the representative or representatives of his council upon the Tramways Trust; and that if, nevertheless, the said trust should petition for inclusion of such provisions in the Tramways Branches Bill, the several councils objecting thereto be asked to petition to be heard against the same, and to request their representatives in Parliament to oppose them."

Thus, while the Tramways Trust were asking for the inclusion of these provisions in the Bill now before the Assembly, a larger representation of the municipal councils passed resolutions against them. He was astonished at the honorable member for Collingwood (Mr. Mirams) coming forward as an advocate of the continuation of the three brass balls of a mere pawnbroking establishment, which the Melbourne Tramway and Omnibus Company really was. ("Oh!") The company was a perfect ring, and the sooner the country knew it the better. The honorable member for Collingwood that evening advocated that the Government should charge higher fares on the suburban railways, in order, forsooth, that the tramways in the hands of this company might become more profitable. At least, that was the only meaning to be extracted from the honorable member's remarks. He (Mr. Gaunson) maintained that it was unjustifyable for the Tramways Trust, in view of the opinion expressed by the municipal councils which elected them, to ask for an extension of their term of office. (Mr. Mackay—"They are only asking for an inquiry now.") He did not think that the House should even allow an inquiry into the matter. The original Act was advertised in the newspapers before it was introduced, and all parties had notice of what was proposed. The various municipalities agreed to it after fighting to prevent it from passing. The ring was too strong for them, and they could not help themselves. It was well known that Councillor Carter, who was a member for St. Kilda in the last Parliament, lost his seat at the last election because he had opposed this tramway ring. (Mr. M. H. Davies—"That is not so.") It could be proved beyond the shadow of a doubt. The Tramway Company's Act, from beginning to end, was a fraud upon the public, and a swindle upon Parliament.

Mr. WALKER stated that, having consulted counsel both for the promoters of the Bill and the amendments, he was authorized to say that, as the House appeared to object to the principle of payment of members of the Tramways Trust, and to the proposed extension of the tenure of office, both those propositions would be withdrawn. Of course the matter was one in which personally he had no interest at all. At the same time he would point out that, even if the select committee inserted the amendments in the
Bill, the House would have been perfectly free to eliminate them when the Bill came before it. As to the necessity for suspending the standing orders, he might state that a technical compliance with them was impossible. It was impossible to advertise the proposed amendments in March or April, inasmuch as the Bill in which those amendments were desired to be made was not then in existence. He trusted the House would now consent to the motion, as the amendments other than those which he had undertaken should not be proposed were merely of a technical and formal character.

Mr. McLellan observed that he was glad the honorable member for Boroondara had made the concession asked for, because he (Mr. McLellan) would consider it a great misfortune if the Tramway Company were impeded or obstructed in the works they were about to undertake. Throwing back the construction of the works would postpone the expenditure of a large sum of money in Melbourne and the suburbs. He was aware that there was a strong agency outside the House obstructing the progress of the undertaking. The cabmen had been very active in their opposition, but he thought the progress of civilization in the colony could not be impeded merely for the purpose of favoring a few individuals. As for the honorable member for Emerald Hill (Mr. Gaunson) designating the Tramway Company a ring, the honorable member might as well call the Assembly a ring for making laws, because both bodies were constituted under Acts of Parliament.

Mr. Mackay remarked that when this matter was brought forward he was perfectly unacquainted with the facts, but when he discovered in the course of the discussion that what was asked for was a fair subject of inquiry he was disappointed to find that it was prevented from being carried out by charges which were made in the House, and not at all substantiated. He fully agreed that it would be a most improper thing that the House should be asked to assist the Tramways Trust in obtaining powers which their constituents objected to, but what evidence was there that such was the case? It was exceedingly unfair for the honorable member for Emerald Hill (Mr. Gaunson) to get up and damn the whole case by stigmatizing the persons concerned in this matter as a ring. If every man who went into a public enterprise in this country was to be characterized as a member of a Tammany ring, who would put his money into any undertaking of this kind at all?

He thought the honorable member should be a little more careful in using the privileges of a Member of Parliament to denounce men who were probably as honest as himself as the members of a ring. He (Mr. Mackay) felt so indignant that he would like to vote for the motion without any qualifications as a protest against this style of trying to gain a verdict by denouncing those who were simply asking for an inquiry. He thought the honorable member for Boroondara had acted wrongly in consenting to eliminate certain of the amendments, because he considered that if the Tramways Trust came to the House and asked that their petition should be referred to the select committee on the Tramway Company's Bill, the House ought fairly to accede to their request, provided that the reason given for the suspension of the standing orders was valid. He thought the reason given was valid—namely, that it was impossible to comply with the standing orders. (Mr. C. Smith—"They have no right to ask for an inquiry; they are merely a representative body.") Any one had a right to come to the House and present a petition. If there was anything wrong about what they were doing, a select committee was the proper tribunal for looking into the matter and informing the House, and honorable members were not to be guided merely by idle gossip and unsupported assertions.

Mr. Burrowes expressed his regret that the honorable member for Emerald Hill (Mr. Gaunson) should have spoken in the way he had done of the members of the Tramways Trust and the Tramway Company. He (Mr. Burrowes) had known a number of these gentlemen for many years, and men of higher standing or character there were not in the community. He thought the remarks of the honorable member were calculated to throw a slur on the House.

Mr. Zoox said he endorsed the remarks of the honorable member for Sandhurst (Mr. Burrowes). Being the chairman of the select committee, he did not take any part in the discussion, but he thought the reflections cast by the honorable member for Emerald Hill (Mr. Gaunson) on the members of the Tramway Company were quite uncalled for.

Mr. Service intimated that, as those of the proposed amendments of the Tramways Trust which were considered objectionable were to be withdrawn, the Government would not oppose the motion.

The motion was agreed to.
ROSSTOWN JUNCTION
EXTENSION RAILWAY BILL.

THIRD NIGHT'S DEBATE.

The debate on Mr. Bent's motion for the second reading of this Bill (adjourned from October 15) was resumed.

Mr. BENT.—Mr. Speaker, with your permission, I desire to state that the St. Kilda Council have withdrawn their opposition to this Bill, upon the terms which I mentioned when moving the second reading, namely, that the line shall only go as far as the Village Belle Hotel. I trust, therefore, that we will now come to a vote on the question.

Mr. M. H. DAVIES.—Sir, as far as my colleagues and myself are concerned, the objections which we at first took to the Bill on behalf of our constituents have been removed by the undertaking of the honorable member for Brighton that the railway will not go along the Esplanade, and so destroy that portion of St. Kilda, which has lately been improved at very great expense. We have no objection to the Bill on any other ground. Indeed, we think that, if the Government will not see their way to extend railway communication to Elwood, it will be a good thing to pass the Bill into law. Unquestionably it would be for the interests of such of my constituents as live round about Elwood to have a line running to the Village Belle, to be eventually connected with the St. Kilda Railway by means of a tunnel under Grey-street. I know there are objections to such an undertaking being carried on by a private company, but, if the Government are not prepared to furnish the accommodation we want, what can we do but accept it at other hands?

Mr. SERVICE.—Mr. Speaker, I have simply to repeat what the Minister of Railways has already intimated, namely, that the Government in opposing the Bill are simply carrying out the policy laid down a good many years ago, and faithfully followed by successive Parliaments. That policy is that it is not desirable that any private company should have power to carry on a passenger railway, especially one in connexion with the State railway system.

Mr. BENT.—Well, then, call the line a tramway; but let us get into committee and have a fair show.

Mr. SERVICE.—The honorable member for Brighton ought to know, when he speaks of going into committee, that this, being a private Bill, will have in the first place to go to a select committee. The Government have no alternative but to oppose the measure.

Mr. GRAVES.—Sir, I know nothing at all about the railway now proposed, save what I have heard within the last few minutes. I am aware, however, that the Government have refused to construct several lines on the ground that they will not borrow beyond a certain amount, and I believe that, to a certain extent, this railway was accepted by a former Government.

Mr. GILLIES.—It is a new line altogether; no portion of it has been in any way sanctioned by any Government or Parliament.

Mr. GRAVES.—Then I simply understand that, although the line is wanted, the Government will not construct it, and are against any one else constructing it. Now is that a wise or good policy to adopt? I know that in Canada the plan is that when the Government are satisfied that any railway a private company desire to make is absolutely required, they lend every assistance to the undertaking; and I find from the railway reports of that colony that no less than 8,000 miles of Canadian railways have been constructed in that way.

Mr. ZOX.—Mr. Speaker, the Premier said just now that the Government are bound to set their faces against this line, but let me remind him of the time when his colleagues, the Chief Secretary, the Minister of Mines, and the Minister of Customs actually voted for it. Now it seems to me that in matters of this nature it should make no difference to an honorable member whether he is a Minister of the Crown or not. For my part, nothing has been adduced in the shape of argument to alter my views from what they were when the line was formerly before us.

Mr. GILLIES.—The former line was a totally different and distinct affair.

Mr. ZOX.—At all events, one portion of the projected railway has been constructed.

Mr. GILLIES.—Not any portion. The line already constructed is simply one to connect the Rosstown sugar-works with the State railway system.

Mr. ZOX.—After all, the question to be considered is whether the proposed line is one with respect to which the Government are justified in arriving at the conclusion that it should not be constructed by private enterprise; and, with that point before us, I ask honorable members all round to remember what we did last night. Did we not then, at the instance of the Government, decide that the Cape Patterson Railway
ought to be constructed by private enterprise?

Mr. GILLIES.—But that line is not designed for passenger traffic.

Mr. ZOX.—I don’t quite see the difference. It seems to me that to call upon the Cape Patterson coal companies to construct their railway, and to refuse Mr. Murray Ross permission to construct his railway, necessarily involves doing an injustice somewhere. I support the Bill.

Lt.-Col. SMITH.—Sir, I want the Minister of Railways to be consistent. Only last night he propounded a railway principle with which I entirely agreed; to-night he propounds another principle on the same subject, with which I cannot agree at all. Last night he told us that the coal companies at Kilcunda and Cape Patterson ought to develop their business by making their own railway, while to-night he is against any railway being built by private enterprise. Now I think that when, on behalf of the colony, the honorable gentleman lays down any particular rule it should be one of universal application. In any case he ought not to blow hot and cold within two days. Moreover, when he tells us that a railway that is greatly wanted cannot be undertaken by the Government, and ought not to be undertaken by any private person, I entirely fail to follow him. What right have we to stop the spirit of enterprise in this country? Moreover, what right has the Minister of Railways to say that one set of private persons may construct lines to feed the State railway system, but that another set—Mr. Murray Ross and his supporters—may not do so? I have no alternative but to vote for the Bill.

Mr. BURROWES.—Mr. Speaker, I consider that the policy laid down by the Government to-night, namely, that no railway should be undertaken by private enterprise, is a very dangerous policy. What is our present position? We are passing through this Chamber a Railway Bill, providing for the construction of a number of railways that are urgently required, but also omitting to provide for a number of other lines that are likewise greatly needed. We do this because the Government say they cannot well borrow any more money than the £5,000,000 they intend to borrow, and also because the building of the lines that are to be made will occupy several years to come. But are we, at the same time, to establish the rule that none of the omitted lines may be undertaken by private enterprise? It seems to me that to adopt any such plan would be unworthy a British community. Experience has proved that a private company can work a line as well as the Government can. No doubt the Government should provide, in the case of each private line, for the protection of the public in every way, and also for the State being able, if it thought proper, to take over the property at a fair valuation; but those are about all the precautions they need take. There can be no doubt that within the next two or three years Parliament will be applied to, on behalf of several private companies, for permission to construct certain railways; so it will be well if it does not place itself in an awkward position in the matter, for such lines would certainly prove admirable feeders to the main lines.

Mr. KERFERD.—Sir, the honorable member for Sandhurst (Mr. Burrowes) has talked about a certain policy being dangerous, but no one knows better than he does that it has been adopted in this country for many years past. For example, why were the Hobson’s Bay lines purchased by the Government? Distinctly on the ground that, inasmuch as all railways are essentially monopolies, they should be kept strictly in the hands of the State. It has been argued that the construction, by private enterprise, of the first Rosstown Railway was duly authorized by Parliament, but what was the object that line was to serve? The transit of certain produce to and from certain large works. It was never intended to be a passenger line.

Mr. BENT.—Why then does not the Act say that no passengers should be carried on it?

Mr. KERFERD.—It was probably not thought needful to make such a provision with regard to a line that was simply to carry goods to and from certain sugarworks. In the same way, the Western Port Company’s Railway Act does not forbid the carrying of passengers, because it is obvious that there can be no regular passenger traffic for it to carry. It is of no use honorable members beating about the bush. The proposal now before us is an entirely novel one. It is to create a new line, in connexion with the State lines, specially to carry passenger traffic, and for us to accept it will simply mean a reversal on our part of the policy the country has adopted for many years past. Moreover, as an honorable member behind me suggests, our passing the Bill will assuredly lead to the Government being asked, in a year or two, to buy up the railway it authorizes. No doubt that will be the
result. In New Zealand, two or three private lines have been authorized, and now every effort is being made to induce the Government to take them over.

Lt.-Col. SMITH.—The New Zealand Government guaranteed interest on the capital expended upon them.

Mr. KERFERD.—I don't see that that circumstance makes the two cases very different. Hitherto the Victorian Government has had to buy up the private lines of the country.

Mr. BENT.—It has not bought up the present Rosstown line.

Mr. KERFERD.—It could hardly be expected to do so, for the line has never been worked. It had to be completed under pressure, and I doubt if anyone concerned can regard the work achieved as anything to be proud of. Again, is the present proposal a **bona fide** one? I have heard that it is not—that it is a mere speculation, according to the terms of which, if the Bill is carried, the promoter will simply receive a certain sum of money.

Mr. BENT.—From whom?

Mr. KERFERD.—I suppose from the persons he contracted with, if he did make a contract.

Mr. ZOX.—If that is the case, I will vote against the Bill.

Mr. BENT.—If anything of the kind can be proved, I will throw the Bill up.

Mr. KERFERD.—I am merely repeating a statement that is current. Has not the honorable member for Brighton heard it made?

Mr. BENT.—I have not. The Attorney-General must surely know that I would not dream of being connected with any such arrangement.

Mr. KERFERD.—Inasmuch as the Bill is in his charge, I thought he would have heard what other persons have heard on the subject.

Mr. ZOX.—Can the statement be authenticated?

Mr. BENT.—I have just spoken with Mr. Murray Ross in the Speaker's gallery, and he says there is not a word of truth in what the Attorney-General has repeated.

Mr. KERFERD.—I accept the contradiction, and I feel that it was well I spoke, since my doing so has led to a clearing up. And now I come back to the point whether the original Rosstown line which was intended for goods traffic should be used for passenger traffic.

Mr. GAUNSON.—The Attorney-General is quite wrong. The honorable member who was in charge of the Bill in 1876 threw it up on the statement by the Government of the day that it would clash with the State railway system; and, in consequence, the honorable member for Stawell took up the measure. It was well known when it passed that it was intended for passenger as well as goods traffic.

Mr. KERFERD.—Well, the hour being late, we may as well postpone further discussion. I beg to move the adjournment of the debate.

The motion was agreed to, and the debate was adjourned until Wednesday, November 12.

The House adjourned at eleven o'clock.

LEGISLATIVE COUNCIL.

Thursday, October 30, 1884.

Land Bill—Statute of Trusts Amendment Bill—Race Week: Adjournment of the House.

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

LAND BILL.

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

Discussion (adjourned from the previous evening) was resumed on clause 3, which was as follows:—

"Persons in occupation at the commencement of this Act of any lands of the Crown under the provisions of any of the Acts hereby repealed, and who remain on such lands after the expiration of the term for which they held the same under any such repealed Acts, shall not, so long as such lands are not required for the purposes of this Act, and so long as they pay fees under a grazing licence issued under the authority of this Act for the grass of such lands, which the Minister is hereby authorized to fix from time to time and to levy and take, be treated as trespassers thereof."

The CHAIRMAN.—There is an amendment before the chair proposed by Mr. Williamson, but I understand that Mr. Cumming desires to propose an amendment in a previous part of the clause, and, therefore, to enable him to do so, the most convenient course will be to postpone Mr. Williamson's amendment.

This course having been acquiesced in, The Hon. T. F. CUMMING proposed that the first portion of the clause be amended, so as to read as follows:—

"Every person in occupation at the commencement of this Act of any lands of the Crown held as a run under a licence for pastoral
purposes, or under a grazing right, and grazing
1,000 sheep or less thereon, shall be entitled to a
lease of the said holding for fourteen years.”

At the present time there were 257 pastoral
tenants of the Crown who grazed from 100
to 1,000 sheep each. The effect of the Bill,
unless it was amended, would be to dis-
possess them of their holdings. It would
be very hard if these small struggling pas-
toral tenants were dispossessed; to many of
them the result would simply mean ruination.
Why should the State dispossess them? What advantage would be gained
by turning them out simply to enable other
men to step into their shoes? The State
certainly could not be benefited by dis-
possessing Smith in order to put Jones into
his place. He (Mr. Cumming) hoped that
honorable members would admit the desir-
ability of protecting the existing pastoral
tenants in the way proposed by the amend-
ment.

The Hon. F. T. SARGOOD remarked
that the adoption of the amendment would
introduce an entirely new feature into the
Bill. The clause, as it stood, would place
the pastoral tenants on a very much better
footing than they were at present, or had
been for a number of years, inasmuch as
they simply held their runs under annual
licence, and were liable to have the land
selected at any time; but the amendment
ought to give them a fourteen years’ fixed
tenure. (Mr. Williamson—“They deserve
it.”) As he pointed out the previous
evening, the persons at present in occupa-
tion of the land would have a great advan-
tage over others, inasmuch as they knew
the country, and could send in an applica-
tion for a lease immediately the measure
came into operation. Assuming that there
were other applicants for the same allotment
that the present pastoral tenant applied for, it
was not at all probable that any Minister
of Lands would give a stranger the prefer-
ence. There was, however, a great difference
between this and Mr. Cumming’s proposal
that the present tenant should have an
absolute right to the lease. He (Mr.
Sargood) was quite unable to accept the
amendment, and he was perfectly certain
there was not a ghost of a chance of it being
accepted by the Government and by the
Legislative Assembly.

The Hon. J. MACBAIN considered that
the amendment embodied a very fair and
just concession to the old pastoral tenants
of the Crown. Exactly the same principle
was adopted in the Mallee Pastoral Leases
Act, and if it was wrong to recognise it in
connexion with the present Bill, it must have
been wrong to concede it under that Act.
If the Minister of Defence was correct in
saying that the present occupier would have
a better chance of obtaining a lease of the
pastoral allotment than any other person,
why not expressly enact that he should be
entitled to the lease, and thus prevent the
Minister of Lands from being placed in the
invidious position of having to decide be-
tween two or more applicants in such a
case? Past land administration, however,
did not justify the assertion that a prefer-
ence would be given to the pastoral tenant
rather than to a stranger. In fact, if two
men applied to select the same piece of land,
and one of them was supposed to be con-
nected with a squatter, that had been held
to be quite sufficient reason for refusing his
application; and in some instances even
where there was only one applicant his ap-
lication had been refused because he hap-
pended to be the son or other relative of
a squatter. What guarantee was there that
the land law would be administered more
righteously in future? None whatever; for
it was the policy of a section of the com-
munity that squatters should be hunted off
the face of the earth, and there might any
day be in office a Minister of Lands who
would like to please that section of the com-
munity as far as the law would enable him
to do so. He (Mr. MacBain) was quite
sure that the Minister of Defence, in his own
heart, must admit that the amendment was
just and equitable, and it was a pity that
the honorable gentleman did not acknow-
ledge the fact openly, as such an avowal
would no doubt have great moral weight in
another place. He hoped that honorable
members would adopt the amendment, in
order that no injustice should be done to
the present pastoral tenants of the Crown.
It was impossible to over-estimate the in-
debtedness of the country to some of those
old pioneers. He knew some of the men
who now held remnants of runs, and he was
in a position to say that they would be ab-
solutely ruined if they were dispossessed
of their holdings. It was the duty of honor-
able members to protect them against ruin.
To illustrate the necessity for doing so, he
would read one or two letters which he had
received from pastoral tenants. One of
them was as follows:—

“As your House is now dealing with the Land
Act, which has already passed the Lower House,
I write to ask you to do what you can that some
little consideration may be shown to any of the
old pastoral tenants who, like myself, see no-	hing but ruin before them when this Bill shall
become law. I will state my own case. Doubtless there are others equally unfortunate. Nineteen years ago last July myself and partner purchased the run, and have put in all about £12,000 into it. So badly did it turn out, that he went out of the partnership, taking only £20 with him, in 1870. I have since struggled on without the benefit of this, owing to its having purchased land sufficient to fall back on, for no other than pastoral purposes. The princiciple of giving the old Crown tenants first right to the lease has already been admitted in the Mallee Bill over, in some cases, large areas of good country. Why not allow us the same over the miserable remnants of runs left to us, or rather that will be left in the pastoral areas under the new Land Act now before you? I don't anticipate any opposition, but if the Land Act stands become law, we shall be opposed by men who, seeing our necessity, will levy blackmail from us, or by men who think if they can once get rid of the present tenant, that they will be able to purchase the licence, and get the opportunity on easier terms from the Government. If I am ousted under the new Act, by the sale of stock, &c., I shall have little, if any, more than enough to satisfy the claims of my agents, &c. I can only, in conclusion, ask you to do what you can for us.

He could vouch for the facts stated in this letter, though he had never had any relations with the writer beyond those of friendship. Another letter addressed to him was to the following effect:

"As a new Land Bill is now before the House, I desire to call your attention to the fact that there are many cases of old pastoralists who have held on to their runs is ignored. As this to many means great loss—to some utter ruin—I ask you to do what you can in legislating on this subject that fair consideration be shown us. Many, having small and insufficient to fall back upon, and all the best of their Crown lands alienated by selection, forfeited their runs in many cases, taking them up again under grazing licences at a comparatively low rent. I am not now referring to these, but to those who, having but small extent of purchased land, and having homesteads, wool-sheds, washes, dams, fencing, &c., and all the appliances necessary for working the runs (which would be rendered valueless without these runs), were compelled to hold on. True, the Land Act expired in 1880, but we had every reason to hope we would have the case of these remnant put to the same treatment as those who were looked after for other than pastoral purposes. We have laboured on these runs for many years; in most cases have sunk large amounts of capital in them, and they are in many cases our only means of support. Selection is still going on fast; soon every acre of anything approaching open country will be taken up, leaving us nothing but the poorest of the country, and this difficult to work, owing to its being too much cut up by selection. We will not complain to have even this poor thing left to us, but we consider it hard lines, under the circumstances referred to, to be ousted, and in some cases ruined, seeing that these lands are fitted for no other than pastoral purposes, and that we are prepared to give the fullest value in rent for them. We, in many cases, have been paying assessments upon no more sheep than the runs would carry. True, we could and did appeal, but could never get reduction proportionate to value of land alienated. Under the Mallee Land Act those who had been in possession for two years prior to passing of the Act were allowed a pre-emptive right to the licence of the bulk of their old country. After 10, 20, 30 years' possession (subject to selection), are we unreasonable in asking for like consideration? I will not trouble you with further details, thinking I have written enough to show you that the consequences to us will be disastrous if the Land Bill now before the House be passed in its present form. Does the good of the country require that we should be thus dealt with? Will any harm follow from showing us fair consideration?"

He was well acquainted with the case of the writer of one of those letters, and he considered the circumstances described by him enough to melt the heart of any one. The man himself was as good a man as could be, and he had a large family. Surely persons so situated ought not to be treated with signal injustice in order to please any political party.

Sir W. J. CLARKE thought the Government ought to accept the amendment, for he was sure that, if it was carried, the other Chamber would be really grateful for the opportunity it would afford them of reconsidering the subject. In fact, both the country and the Assembly would assuredly be pleased at having got out of a difficulty. The case of most of the small run-holders was not, as a rule, well understood in town, but in the country districts it was thoroughly comprehended, and there was a great deal of sympathy for the suffering condition into which the men had for some time past been plunged. Moreover, it was unfortunate for them that, generally speaking, they had no connexions in town—no one to make arrangements there that would enable them to get a pastoral allotment to put their stock on—and that placed them at a very great disadvantage. In fact, unless the Legislature did something for them, their holdings would fall wholly into the hands of individuals who happened to have the run of the Government offices in Melbourne. And in that case, what could they do with their stock? Of course no in-comer would want to buy it, unless perhaps for the value of the skins. If they were allowed to keep their land until the drought broke up, and they could move off their stock gradually, they would probably be saved; but if, on the contrary, they were suddenly driven out of their holdings, there would be nothing for them but ruin, and the people of the interior would cry "Shame" on those who caused it. He was not speaking on behalf
of those who had freeholds to go to, but of a very different and very much poorer class. The Hon. D. Coutts remarked that he greatly desired to see the main principle of the Bill take the shape of law, but at the same time he hoped the Government would make the concession now asked from them.

The Hon. J. Campbell stated that his honorable colleague, the Minister of Defence, was prepared, when he came to the House that afternoon, to state the views of the Government with respect to the amendment moved the previous evening by Mr. Williamson, but he was suddenly stopped by Mr. Cumming bringing forward his amendment, which proposed, in effect, to alter the whole character of the Bill. It would change what was meant to be, in the case of each pastoral tenant, a merely temporary occupancy into an occupancy under a fourteen years' lease. But could such a plan be deemed either reasonable or fair? Admitting, for the sake of argument, that the pastoral tenant might, under the Bill, be subjected to hardships, would it be right to alter the whole course of land legislation in his behalf? Besides, in no case was it ever understood that he held land except as a temporary occupier, that was to say, until it could be taken up in a more permanent way. Therefore, whaterer arrangements he had hitherto made, he made with his eyes open. In fact, to carry the amendment would necessarily mean bringing the Bill to a full stop. Mr. MacBain alluded to the terms of the Mallee Act, but they afforded no fair precedent in the present instance—for the mallee territory was not like the other land in the “blue,” because it was not known how it would turn out, and it was a primary condition with regard to it that it was to be cleared of vermin. In short, to agree to the terms Mr. Cumming proposed would do away utterly with the principle of selection, and be a fatal mistake.

The Hon. G. Young said that, as one anxious to assist the Government in carrying the liberal Land Bill they had introduced, he thought they should make some concession in the present matter, but scarcely such a concession as Mr. Cumming asked for, which was altogether of too sweeping a character. What he (Mr. Young) had in view was the hardship involved in the improvements of the pastoral tenant—his house, dams, fences, and everything—being wholly appropriated by the State. The incoming tenant was to be charged rent for them amounting to 5 per cent. of their value, but the outgoing tenant was not to be considered at all. What he would suggest was an amendment to the effect that the latter should be allowed to take up either a pastoral block or an agricultural and grazing area according to the nature of his run. He (Mr. Young) was convinced that the selectors who intended to avail themselves of the provisions of the Bill were not at all averse to the claims of the existing pastoral tenants being recognised to the extent of allowing them to secure the possession of their most valuable improvements. In fact, no one with any sense of justice could have any other feeling. Consequently, the adoption of the plan he had sketched out would lead to no difficulty. It was not as though the pastoral tenants of the present bore any resemblance to the pastoral tenants of the past. Indeed, it was high time the term “squatter” ceased to be used opprobriously. Many of the present squatters had fewer sheep on their runs than many of the selectors under the Land Act of 1869 had on their allotments.

The Hon. J. Williamson observed that he could hardly disagree with Mr. Cumming's amendment, because it was very much in accordance with his own proposal, although no doubt it went much further. The existing pastoral tenants were a most deserving class, and they were already almost as small as they could be made.

The Hon. W. A. Zeal remarked that advanced liberals like himself had no desire to wrong the existing pastoral tenants, but still they did not see that that class should be singled out for the exceptionally liberal treatment Mr. Cumming suggested. Because occupation like theirs was no good reason why the land they held should be locked up in their favour for fourteen years longer. His (Mr. Zeal's) notion of treating them with simple justice would be to put the new pastoral allotments up to tender, and let each old pastoral tenant have the right of selecting one at the highest price tendered. He would also give him substantial consideration for his improvements, say a preemptive right before all comers. If honorable members adopted Mr. Cumming's amendment, they would simply make themselves a laughing-stock.

The Hon. N. Thornley expressed the opinion that carrying Mr. Cumming's amendment would mean handing over 1,250,000 acres to 257 men for fourteen years.

The Hon. F. Ormond stated that he did not wish to see the present pastoral tenants unnecessarily or unduly disturbed, but
it was time, for the sake of the better settlement of the country, that something was done to have the pastoral lands of the Crown more properly occupied. Under these circumstances, he could not go the length Mr. Cumming wished to go. The honorable member's amendment was indeed scarcely fair or equitable, and it ought to be withdrawn.

The Hon. J. BALFOUR suggested that Mr. Cumming's amendment should be postponed, for it had come upon the committee as a surprise. He could see great force in the views put forward by both Mr. Cumming and Mr. Campbell; at the same time, he recognised no justice in dispossessing one set of pastoral tenants, each grazing from 100 to 1,000 sheep, for the sake of putting in another set of pastoral tenants, who would do exactly the same.

Mr. CUMMING said he was quite willing that his amendment should be postponed.

The amendment was postponed.

Discussion (adjourned from the previous evening) was then resumed on Mr. Williamson's amendment to insert after the word "Acts" (line 6) the words "may continue in the occupation of the same until the 31st day of December, 1885, and."

Mr. SARGOOD observed that he had consulted his colleagues with respect to this amendment, but the Government, as a whole, did not deem it advisable to acquiesce in it. They were, however, ready to make a concession, and they were of opinion that allowing the pastoral tenant six months instead of the twelve months asked for would meet the case. That would practically mean, as the Act would not come into operation until the 1st January, an allowance of eight months from the present time, at the end of which period the pastoral tenant would be brought to a season of the year highly favorable for the disposal of his stock. And, moreover, it should be remembered that eight months would be the minimum period, because, in a large number of instances, the surveys that would have to be made before the new system of occupation could come into operation could not be completed within twelve months. Again, even in the case of the allotments that would be ready for selection earlier than then, it did not follow that they would be immediately selected. The Ministry had no wish to inflict any hardship, and certainly not to do any injustice, and they thought this concession would completely meet the equities of the case.

Mr. ZEAL remarked that what the Government proposed to concede practically amounted to nothing. If the present season was not one of disastrous drought the case would be different, and he would agree with Mr. Sargood's offer, but how, with anything like common justice, could the pastoral tenants be compelled to turn out with their stock at the end of a summer during which there was no grass? For the Government to haggle with the few remaining pastoral tenants over a mere six months' occupancy, which would be duly paid for, would be unworthy of them, and he would urge them to accept the amendment in its entirety.

The Hon. C. J. HAM thought Mr. Williamson's proposal an exceedingly reasonable one, which the Government should accept without another word.

The Hon. W. E. HEARN said it appeared as though the Government were inclined to refuse the pastoral tenants the concession now asked for, simply because it was asked for. From Mr. Sargood's own admissions it was plain that in a vast number of instances the pastoral tenants would, in any case, get the twelve months' grace they wanted; why, therefore, should there be any hesitation in giving it in every instance? Was it not just what an ordinary landlord would give to an old tenant?

The Hon. T. BROMELL observed that, had the season been of an ordinary character, six months would have been sufficient; but, as had been pointed out, owing to the drought in New South Wales, so many sheep had found their way from that colony into Victoria that it would be impossible for the present pastoral tenants to find a market for their stock. Therefore it was necessary that twelve months should be allowed.

The Hon. F. E. BEAVER said he hoped the Government would see their way to accept the amendment. He considered that Mr. Williamson had made out a good case, and seeing that, according to the Minister of Defence's statement, land could not be occupied under the Bill within twelve months, he thought the concession asked for should be granted.

The Hon. J. BELL inquired whether the adoption of the amendment would stay selection during the whole of the twelve months?

Mr. SARGOOD stated that, although the adoption of the amendment would not stay the sending in of applications, undoubtedly it would stop applicants from going on the land; and he would leave honorable members to judge what chance there

Ses. 1894.—6 x
was of a man sending in an application for land the possession of which he would not be able to obtain for twelve months.

Mr. BROMELL remarked that, in ordinary cases, the time which elapsed between the lodging of an application for selection and the selector taking possession was about six months, so that the adoption of the amendment would not materially interfere with selection.

Sir W. J. CLARKE said he believed the adoption of the amendment would not only be an act of justice to the present pastoral tenants, but would be the means of saving the Government the inconvenience of being rushed with applications for land under the Bill immediately the measure became law.

Mr. MACBAIN expressed the belief that the classification of the land would occupy more than twelve months, and particularly as there were many mistakes in the maps which would have to be rectified. Therefore no time would be lost in the matter of selection by the adoption of the amendment.

Mr. CAMPBELL considered that the Government had yielded a very important point in conceding six months; and, if selection was to go on, they ought not to be asked to do more. To carry the amendment would be to block selection for twelve months.

Mr. BALFOUR stated that the effect of the amendment might be to block occupation for twelve months, but not selection. He considered that the Government, in offering six months, must have overlooked the circumstances of the season. There should be no huckstering over such a matter. Twelve months was only a reasonable time, and should be conceded.

Mr. BELL suggested that the difficulty might be met by providing that the pastoral tenants should be allowed possession of the whole area of their holdings for six months, and of half the area for another six months.

The Hon. J. A. WALLACE said he was at a loss to understand the utility of the present discussion. He would like to know where were the people who were going to take up the lands to which this portion of the Bill related.

Sir W. J. CLARKE remarked that by the adoption of the amendment time would be afforded selectors under the Bill to make a fair bargain with the present holders for such stock as they might require. It would be more advantageous to the present holders to dispose of their cattle and sheep in that way than to have to remove them in an uncertain time and sell them at an uncertain market, and a selector would be able to afford to pay more for stock that he found on the land than he could find stock which had to be brought from a distance.

Mr. COUTTS observed that, as a pastoral tenant, he was perfectly satisfied with what the Government had offered. He was glad of such a concession because of the exceptionally bad season; but, had the year been an ordinarily fair one, he would not have asked for five minutes. He believed in the Bill being brought into operation as quickly as possible, in order to ensure the destruction of vermin.

Mr. ORMOND stated that it had been uniformly understood that the pastoral tenants would be undisturbed in their occupation until the land was required for other than pastoral purposes. But under the Bill they would be dispossessed to make way for a new race of pastoral tenants. Seeing that this was an entirely fresh departure, he hoped the amendment would be adopted. If twelve months were allowed for the present pastoral tenants to clear out, there would be proper opportunity for a just sale of stock to the new comers, because the latter would see the sheep before shearing, and would, therefore, know what they were buying, while the present owners would get the wool.

Mr. SARGOOD remarked that he was not in a position to say that the lands occupied by the present pastoral tenants would not be applied, under the Bill, to other than pastoral purposes. They might all be required for agricultural purposes. He would suggest to Mr. Williamson the propriety of withdrawing his amendment in favour of what the Government were prepared to accept.

Mr. WILLIAMSON said he must thank the Minister of Defence for the kind manner in which he had dealt with the matter, but he could not see his way to withdraw his amendment in favour of that suggested by the Government. In fact, he looked upon the latter as giving nothing.

Mr. SARGOOD stated that he did not think Mr. Williamson thoroughly understood what he, on behalf of the Government, had proposed. What he had proposed was that the parties now in possession should continue in absolute possession for six months, and for so much longer time as the land was not required.

The Hon. D. MELVILLE said he thought it remarkable that rich men should show so much sympathy for poor men. It was a new feature in connexion with the Council. In order that further time might not be wasted over this matter, he would
urge Ministers to accept Mr. Williamson’s amendment.

The Hon. H. CUTHBERT said he considered Mr. Williamson was perfectly right in adhering to his amendment. It was properly couchèd, and he hoped it would be allowed to pass without alteration.

The amendment was carried without a division.

On clause 4 (interpretation clause), Mr. SARGOOD proposed the insertion of the following sub-section:—

“The words ‘country lands’ shall mean any lands not situate within any city, town, or borough.”

The amendment was agreed to.

Mr. CUTHBERT called attention to the fact that the clause contained two definitions of the term “cattle,” and submitted that this was clumsy drafting. The definitions were—

“The word ‘cattle’ in parts 2, 7, and 11 of this Act shall include bulls, cows, oxen, heifers, steers, calves, horses, mares, geldings, colts, and fillies.”

“The word ‘cattle’ in parts 9 and 10 of this Act shall mean and include bulls, cows, oxen, heifers, steers, calves, horses, mares, geldings, colts, fillies, asses, mules, sheep, and goats, and shall apply to any one or more animal or animals of the said several kinds.”

Dr. HEARN said he hoped that, if any alteration were made, it would be in the direction of putting an end to this extraordinary enumeration, which was of no practical utility, although it was contained in Imperial Acts. He considered it would be sufficient to provide that the word cattle should mean “animals of the ox kind and animals of the horse kind.”

Mr. BALFOUR remarked that it was not well for the interpretation clause of an Act of Parliament to provide that one particular word should have two different meanings. He would suggest that the second definition of the word should be “cattle and sheep.”

Mr. SARGOOD observed that the two sub-sections were copied from an Act which had been in existence some years. The first definition applied to cattle on pastoral allotments and in State forests; and the second applied to cattle on commons. However, he would make a note of the suggestions which had been offered.

The Hon. J. BUCHANAN called attention to the following definition:—

“The word ‘cultivation’ shall include planting cereal or root crops, planting an orchard, vineyard, nursery, strawberry, or wattles or other trees, or laying down land with artificial grasses.”

He took exception to the term “artificial grasses.” The grasses referred to were in no sense artificial. They were true grasses. He begged to move the substitution of the word “cultivated” for “artificial.”

Mr. SARGOOD stated that the term to which Mr. Buchanan took exception had been in use in legal documents for a very long period. He had seen leases of farms in the old country setting forth conditions as to what should be done with respect to artificial grasses as contradistinguished from natural grasses.

Mr. CUMMING remarked that it was possible for a person to have artificial grasses which were not cultivated. On hundreds and thousands of acres there were rye grass and clover, but they were never cultivated. “Artificial grasses” was a well-established term, and to interfere with it might do more harm than good.

The amendment was negatived.

Dr. HEARN called attention to the following definition:—

“The word ‘vermin’ shall include kangaroos, wallabies, and other marsupials, dingoes or native dogs, dogs run wild, dogs at large, rabbits, and any other animal or any bird which the Governor in Council may, by proclamation in the Government Gazette, declare to be vermin for the purposes of this Act.”

He regarded the expression “and other marsupials” as a little too large. It would include native bears, which he did not think ought to be hunted down. They were harmless, and to destroy animals which were harmless was not only cruel, but it was a risky thing to meddle with the operations of nature in such a way. There was no knowing what nuisances might not arise in unexpected quarters through an indiscriminate destruction of animals. Certainly the native bear could not be regarded in the nature of destructive vermin like rabbits. Therefore he begged to move the omission of the words “and other marsupials.”

The committee then adjourned for refreshment.

On re-assembling, Mr. SARGOOD announced that the Chairman of Committees was unavoidably absent, and moved that the Hon. W. E. Hearne take the chair.

The motion was agreed to.

Mr. SARGOOD intimated that he would accept the amendment proposed by Dr. Hearne for the omission of the words “and other marsupials.”

Mr. MACBAIN said he doubted the desirability of the amendment, because in Queensland the smaller marsupials sometimes destroyed whole tracts of country.
They poisoned the herbs and grass to such an extent that they were rendered useless.

The amendment was agreed to.

Mr. BUCHANAN moved the insertion of "foxes" in the list of vermin. Foxes, since their introduction, had spread to an immense extent, and before long they would be one of the greatest nuisances in the country unless they were dealt with.

Mr. GUTHBERT objected to the amendment. There were very few parts of the country in which foxes were complained of, and it would be undesirable to impose too many tasks upon the tenants. Foxes also afforded a good deal of sport to a certain class of the community.

Mr. MACBAIN stated that he knew from information afforded to him that the nuisance of foxes was increasing every day. The interests of the community must be considered before the pleasure of individuals wishing for sport. At one time no one dared venture to suggest the destruction of rabbits, and they had now become worse than even dry weather.

Mr. BALFOUR said he had heard from Geelong that foxes were becoming very troublesome there, even attacking young lambs.

The Hon. F. BROWN suggested that it might be left to the Governor in Council by proclamation in the Government Gazette, as provided for in the clause, to declare foxes to be "vermin" should they become very troublesome.

Mr. MELVILLE considered that it would be undesirable to wait until foxes became so numerous that there would be no eradicating them before deciding on their destruction. North of Lancefield they were in great numbers, and he thought their suppression could not be taken in hand too soon.

Mr. BROMELL said that recently he had been told of foxes having been seen as far west as the South Australian border, and he thought it was high time that action was taken to get rid of them before they became a pest.

Mr. HAM expressed the opinion that a fine ought to be inflicted on the sporting gentlemen who introduced such pests as foxes and the like. He would support the amendment, as, if the matter was left to the Governor in Council, action would not be taken until a great outcry was raised.

Mr. ZEAL supported the amendment. The country would soon become almost uninhabitable if the importation of pests was continued. He had seen great ravages committed in a garden by imported snails.

The amendment was agreed to.

Mr. SARGOOD proposed the inclusion of "hares" in the list.

The Hon. W. McCULLOCH opposed the amendment. He would point out that hares were protected by Act of Parliament.

Mr. BELL considered that it would be time enough to take action with respect to hares when they were likely to become a nuisance, and the matter might be left to the Governor in Council.

Mr. CAMPBELL stated that some parts of the country hares had already become a pest, especially in orchards, where they destroyed the bark of young trees.

Mr. BROMELL remarked that hares could easily be kept down by shooting, and there was no reason for including them in the list of vermin. They were very different from foxes.

The Hon. W. E. STANBRIDGE said he thought the amendment was unnecessary. It was advisable that there should be some diversion for those who liked a good day's sport, and he believed very few people complained of the hares. Orchards could easily be protected by swathing straw round the young trees.

The Hon. J. LORIMER said he did not think the hare was regarded as vermin in any part of the world. Wherever it became a nuisance it could easily be put down by shooting or hunting. Hares did not burrow like rabbits, and were, therefore, more easily dealt with.

The amendment was negatived.

On clause 6, enumerating the classes into which the unalienated Crown lands should be divided, and providing that—

"The Governor in Council may, by proclamation to be published in the Government Gazette, from time to time increase or diminish the area of land comprised in any of the above-mentioned classes except lands which may be sold by auction,"

Mr. SARGOOD moved the insertion of "increasing" after "except" (line 5). He observed that the object of the amendment was to give the power of diminishing the quantity of land which might be sold by auction. The clause provided that it could be neither increased nor diminished, but circumstances might arise which would render it desirable to diminish the quantity.

Mr. ZEAL remarked that the quantity of land which would be available for sale by auction under the Bill was so small that he thought there was no necessity for the amendment. It was only reasonable that
the Government should be given power to sell whatever land they thought right by auction.

Mr. SARGOOD stated that the essence of the Bill was to preserve the great bulk of the lands for fourteen years by leasing, and, if power was given to a Government to increase the quantity of land which might be sold by auction, practically the object of the Bill would be defeated. A Government in want of a large sum of money might rush a large quantity of land upon the market and sell it below its value. The total extent of land available for sale by auction under the Bill was 217,204 acres; but when some of the items of which this total was made up were looked into, they might require to be diminished.

Mr. MACBAIN said he could hardly understand the amendment. He doubted whether it would accomplish the object which the Government had in view.

Mr. LORIMER observed that the object of the Government was to take power to diminish the quantity of land which might be sold by auction—they did not want to increase it—and it was for the committee to say whether they approved of that proposal; if the amendment did not carry out that object it could be altered afterwards. He, for one, hailed with satisfaction anything that diminished the alienation of the public estate, and, from his point of view, one of the great advantages of the Bill was that it limited alienation, and reserved something for the future.

Mr. WALLACE remarked that he did not see any reason for diminishing the amount of land which could be sold by auction. By-and-by the country would be sorry for the manner in which the lands had been chucked away in the past, and he thought it would be much better to increase the quantity of land which could be sold by auction, so that the State might get value for the public estate.

Mr. SARGOOD said that Mr. Wallace, who deplored the manner in which the lands had been "chucked away" in the past, seemed desirous of chucking away a great deal more. The Government, however, wished to conserve the public estate as much as possible by leasing most of the lands for fourteen years, and they also desired to restrict the power of themselves, or their successors, with regard to the sale of land by auction. The amendment seemed to him to fully meet the object for which it was proposed. The form which it took was suggested by a legal gentleman, who had had certainly more to do with drafting Bills than any member of the Council.

Mr. ZEAL repeated that he did not see any necessity for the restriction proposed by the amendment. The area of the land authorized to be sold by auction was not 2 per cent. of the total area to be dealt with under the Bill.

Mr. BROMELL stated that he did not see why the Government of the day should not have the power of either increasing or diminishing the area to be sold by auction.

Mr. BUCHANAN thought that the clause was complete as it stood.

Mr. CUMMING urged that, unless there was a minimum fixed as the area which could be sold by auction, the adoption of the amendment would place it in the power of the Government of the day to put a stop to the sale of any land by auction.

Mr. MACBAIN contended that the amendment was one which ought not to be entertained. He would much prefer to see the clause passed as it stood.

Mr. WILLIAMSON said he had no objection to the amendment, but he did not see the necessity for it.

Mr. HAM trusted that the committee would adopt the amendment. He regarded the real object of it to be in the direction of conserving the public estate.

Mr. CUTHBERT considered that it would be well for the committee to pause before they determined to give the Government the power to diminish the quantity of land which might be sold by auction. The Bill proposed to allow 217,000 acres to be sold by auction, and, instead of the area to be disposed of in that way being decreased, it might be necessary under certain circumstances to increase it. The Minister in charge of the Bill had not given any reason for taking so much trouble to get the clause altered. It would be better to leave the clause as it was. To alter it in the way proposed would be dangerous.

Mr. MELVILLE observed that too many efforts were being made to thwart the Government in connexion with the Bill. Surely they ought to be allowed to have their own way on the question of whether they should have power to diminish the quantity of land which might be disposed of by auction. He took it that the object of the amendment was simply to prevent the public estate being frittered away. In many cases in which Crown land had been disposed of by auction it had been sold at the upset price, and the State had not got value for its property. He thought it might be
desirable for the Government to buy back some of the land in the western district. When the Government proposed such a reasonable and sensible amendment as the one now before the committee, there ought to be no opposition to it.

Mr. ZEAL said it would be a reasonable and sensible course either to negative the amendment, or to strike out the whole of the restriction contained in the latter part of the clause. The Bill dealt with 20,224,561 acres of land, and the total quantity that it authorized to be sold by auction was 217,204 acres, or about one acre in 100. What necessity, therefore, was there to give power to further limit the area that might be sold by auction?

Mr. SARGOOD stated that the Government promised the Legislative Assembly that the area liable to be sold by auction under the Bill should not exceed 217,000 acres, but, after the Bill finally passed that House, it was found that it was necessary to make this amendment.

The amendment was carried without a division.

Discussion took place on clause 8, which was as follows:

"Any land acquired by purchase or otherwise by the Crown, and conveyed to Her Majesty or to the board, except land acquired for railway purposes, may be sold, granted, or conveyed, or otherwise disposed of by the Governor in Council in the name and on behalf of Her Majesty in the same manner and form as if such land had never been alienated from the Crown."

Mr. SARGOOD moved the insertion of the word "only" after "form" (line 7).

Mr. LORIMER said he did not precisely understand the meaning of the clause. Was it possible under the existing law for the Crown to purchase a large estate, as suggested by Mr. Melville?

Mr. SARGOOD remarked that the Crown had power to purchase land for any public purposes.

Mr. LORIMER asked if the law gave the Government power to purchase a large estate for the purpose of subdividing and leasing it?

Mr. SARGOOD replied in the affirmative.

Mr. MACBAIN said there was no law which gave the Government power to purchase a large estate for the purpose of cutting it up into small allotments. Of course there would be no crime in the Government purchasing a large estate in the western district or anywhere else, provided that they paid a fair price for it; and he believed that, if the population of the country became so numerous as to require some of the large estates to be divided for the purpose of settlement, the Government could easily obtain the power to purchase the land. The owners of the large estates would part with them with the greatest pleasure under those circumstances.

Mr. MELVILLE stated that, if the Government had not the power now to purchase large estates, he would be disposed to give them the power. It was a melancholy thing to see railways in some portions of the country going through miles and miles of land which were not occupied by anything except a few scraggy sheep. He would like to enable the Government to purchase land in those parts of the country, say in blocks of from 1,000 to 10,000 acres, in order that settlement might be promoted, and the railway traffic increased.

Mr. HAM submitted that a discussion as to whether it would be a proper policy for the Government to buy up private estates was not in order in connexion with the clause. The question was of sufficient importance to deserve a night to be set apart for its discussion.

Mr. MELVILLE expressed the hope that honorable members would be afforded an opportunity of discussing the propriety of inserting a clause in the Bill for the purpose which he had suggested.

Mr. SARGOOD said there was not the slightest doubt that the Government had power to purchase a large estate for any public purpose; but, of course, to enable them to do so it was necessary for Parliament to vote the money for the purchase.

The amendment was agreed to.

On clause 10, authorizing the Governor in Council to reserve land from sale, leasing, or licensing, for a variety of purposes, Mr. CUTHBERT called attention to the fact that the clause provided for the reservation of land for "railways and railway stations," and moved the insertion of words to authorize the reservation of "land abutting or adjacent to any railway." To show the desirability of the Governor in Council having power to reserve lands adjacent to any railway, he might mention that when the Great Southern Railway was first proposed it was stated that, if land was reserved to the width of a mile on each side of the railway, the enhanced price which would be obtained for it when the line was made would pay the cost of its construction.

Mr. SARGOOD said the amendment was unnecessary. The clause, which provided,
inter alia, for the reservation of lands that, in the opinion of the Governor in Council, were required "for any public purpose whatsoever" was a transcript of section 6 of Act No. 360, and, as a matter of fact, 70,000 acres had already been reserved along the route of the Great Southern Railway.

The amendment was withdrawn.

On the motion of Mr. SARGOOD, the words "or for watering purposes" were inserted after words giving power to reserve lands as "camping grounds."

Mr. CUTHBERT moved that in the portion of the clause authorizing reservations of land for "mechanics' institutes, libraries, museums" the following words be inserted: "picture galleries, schools of mines, academies of music."

Mr. SARGOOD pointed out that the clause contained the words "or other institutions for public instruction," and also the words "or for the recreation, convenience, or amusement of the people." He thought that these words were sufficiently wide to embrace such institutions as picture galleries, schools of mines, and academies of music.

Mr. CUTHBERT stated that, although the clause was a copy of section 6 of Act No. 360, an application made some time ago by the people of Ballarat for a site for a picture gallery was refused by the Minister of Lands, on the ground that the Act did not give power to grant a site for a picture gallery.

Mr. BALFOUR approved of the insertion of the words "picture galleries" and "schools of mines," but he thought it would not be desirable to include the words "academies of music." Academies of music might be private institutions.

Mr. CUTHBERT remarked that it would be necessary for any academy of music to be a public institution, and not one of a private character, in order to enable the Governor in Council to grant a site for it.

Mr. MACBAIN said he could perfectly realize the propriety of reserving land for picture galleries, but with academies of music the case was different, because institutions of that class, so far as this colony was concerned, were sometimes managed in a way not advantageous to the public interests.

Mr. CUTHBERT said he would consent to the exclusion from the amendment of the words "academies of music."

The amendment, amended accordingly, was agreed to.

Mr. SARGOOD moved the insertion of words to allow lands to be reserved for the preservation "of timber for sawing and splitting purposes."

The amendment was agreed to.

Mr. LORIMER moved the insertion of words to enable lands to be reserved for race-courses. He said racing was a popular amusement, in which a large number of persons desired to indulge.

The amendment was agreed to.

On clause 12, relating to the publication in the Government Gazette of notices of the permanent reservation of land,

Mr. ZEAL moved the insertion after the word "Gazette" of the words "and in some newspaper circulating in the district." He considered that notices of the kind in question ought to have more publicity than could be obtained by means of the Government Gazette.

Mr. SARGOOD remarked that the reservations in question would not be for private purposes, and, therefore, there was no need to force the Government into the extra expense the adoption of the amendment would entail. Every care would naturally be taken to protect the public interest in the matter, and also to avoid undue haste.

Mr. MELVILLE said he would support the amendment, because whatever was worth doing with respect to public reserves was worth doing well.

The amendment was negatived.

On clause 18, giving holders under section 47 of the Land Act 1862 and section 49 of the Land Act 1869 who had made improvements on their land the right of pre-emption,

Mr. WALLACE submitted that, with respect to 49th section holdings, and especially those on gold-fields lands, no alienation should take place until the public had been made fully aware, through advertisements in the local newspapers, that alienation was applied for. It was astonishing how frequently auriferous land, held under a 49th section licence, was alienated without any one having the opportunity of objecting to the arrangement.

After some discussion,

Mr. SARGOOD said he thought Mr. Wallace had made out a case for further inquiry, and he would, therefore, consent to the clause being postponed.

The clause was postponed.

On clause 19, providing for the preparation of a plan of the pastoral lands described in the 2nd schedule, and the projection thereon of "boundary lines, showing the division of such pastoral lands into allotments varying in size, and having a grazing
capacity of from 1,000 to 4,000 sheep or from 150 to 500 head of cattle.

Mr. ZEAL asked whether the boundaries would be marked from actual surveys or whether the plan would be a mere diagram, comprised of lines arbitrarily ruled on paper?

Mr. THORNLEY stated that the lines would be drawn in the Lands-office, but each line would not be the result of a separate survey.

Mr. ZEAL moved that the clause be postponed. He considered that, unless something was done in the matter beyond what Mr. Thornley described, the result would be most confusing if not disastrous.

Mr. SARGOOD said it would be impossible to wait for complete surveys. In the first instance, the lines on the plan would be simply marked off from general surveys, and subsequently, in course of time, every boundary would be separately surveyed.

Mr. LORIMER asked what security there was that the lands described, say as pastoral lands, were truly pastoral and not agricultural lands? Was not the Lands department going on something like guess-work in the matter?

Mr. SARGOOD explained that the lands were classified on the basis of voluminous reports from the district surveyors, carefully revised by the Surveyor-General. A change of classification could be made at any time if it was called for.

Mr. COUTTS stated that he did not think much of the judgment of the officer who had classified a great deal of the land remaining unalienated as agricultural land.

Mr. ZEAL expressed the fear that under the Bill the miner would be excluded from large tracts of country which might hereafter be found auriferous, and this on account of survey being allowed in a rough-and-tumble fashion, which might be all very well in connexion with country like the mallee, but could not be countenanced when valuable territory had to be dealt with. It was clear, from the information supplied from the Lands department, that gross mistakes had been committed in connexion with the classification of the land, not the least of which was the omission to make proper provision for mining reserves. So far as could be ascertained at present, the plan referred to by the clause would be merely a diagram. He considered that, in view of the mining objections which had been raised, the clause should be postponed in order that there might be some reliable survey before the matter was finally dealt with.

Mr. WALLACE objected to the power which the Bill gave the Governor in Council to remove lands from one class to another. He considered that, when once the classification was fixed by legislation, the Governor in Council should not have power to alter it.

The clause was postponed.

On clause 21, authorizing the Governor in Council to grant a lease for pastoral purposes of a pastoral allotment to the person who "purchases the right to a lease" in respect of such allotment,

Mr. SARGOOD moved the substitution for the word "purchases" of the words "makes application for."

Mr. CUTHBERT stated that the Bill, as originally introduced to the Legislative Assembly, provided that, in the event of there being more than one applicant for a lease, the right to the lease should be purchased at auction. But the Bill as it stood provided that, in such a case, the Minister of Lands should appoint a board to consider the matter, and, on a report from that board, should grant the lease to which applicant he pleased. He considered that the Minister should be relieved of this responsible and onerous duty. It would be much better to provide that, when there was more than one applicant, there should be limited auction as between the applicants, and that whoever offered the highest amount should have the lease. This principle had worked well in connexion with the Mallee Act, and he did not see why they should go back to the system of having rival claims determined by a political board. Moreover, it should be recollected that the higher the premium which an applicant was disposed to give, the greater was the guarantee that he would observe the covenants of his lease.

Mr. SARGOOD said that, as this was a very important point, and as the attendance of members had become comparatively thin, he would suggest that the clause should be postponed.

Mr. BELL suggested that progress should be reported.

After some discussion, progress was reported.

STATUTE OF TRUSTS AMENDMENT BILL.

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

The following new clause, proposed by the Hon. W. A. Zeal, on October 22, was agreed to:
"Cup" Day.  [October 30.]  Public Instruction.  2033

"The provisions contained in sections 73, 75, 76, and 77 of the Statute of Trusts 1864 shall extend to persons to whom letters of administration have been or may hereafter be granted."

The Bill was then reported with further amendments.

THE "CUP" DAY.

The Hon. F. T. SARGOOD moved that the House, at its rising, do adjourn until Wednesday, November 5.

The Hon. T. F. CUMMING suggested that the adjournment should be until Tuesday, November 11. He had no wish to delay business, but he thought no public advantage would be gained by the House meeting the following Wednesday for only two hours, because engagements which honorable members had accepted would preclude a longer sitting.

Mr. SARGOOD said he must remind honorable members not only that they had the Land Bill under consideration, but that they might expect the Railway Construction Bill and other measures from another place on an early date; and that therefore it was not too much to ask them to meet the following Wednesday to proceed with business, even though they might adjourn at an early hour. It did not follow that because some members wished to dedicate themselves to amusement or pleasure, there were not others who were willing to address themselves to work, of which, in view of the near approach of the close of the session, there was plenty to keep them going.

The Hon. T. BROMELL considered that the better course would be to adjourn over the whole of the following week. No business would be done on the Thursday, and the little that would be done on the Wednesday would not be worth bringing a member who, like himself, lived in a remote part of the country to town for.

The Hon. J. MACBAIN said he sympathized with the Minister of Defence in his desire to push on the business of the House; and he would be happy to be in his place on the following Tuesday evening to assist in that object. But, if a House were formed on Tuesday, what would be the result? He did not think that honorable members who indulged in the pleasures of the race-course would be capable of devoting themselves to legislative work. He understood that for Wednesday night a large number of members had entered into engagements; and there would be little use in calling members together on Thursday. He believed that if the adjournment were to cover the following week, honorable members would be present in force on Tuesday, the 11th, and would be so anxious to expedite business that they would do more work in one night than if they sat the whole of the race week.

The Hon. W. E. HEARN expressed the hope that the Minister of Defence would give way to the appeal of Mr. MacBain.

The Hon. J. LORIMER observed that there was no disguising the fact that "the Cup" was a national holiday which did not last merely for a day, but for the whole week. Visitors would come to Melbourne not only from other parts of the colony, but from all the other colonies, and members who had friends coming to see them would be in no mind for legislative business during next week. They might as well, therefore, abandon themselves to enjoyment for the week.

Mr. SARGOOD said it appeared he would have to yield on this question. He therefore begged to amend his motion, and moved that the House, at its rising, adjourn until Tuesday, November 11.

The motion, as amended, was agreed to.

The House adjourned at thirty-two minutes past ten o'clock, until Tuesday, November 11.

LEGISLATIVE ASSEMBLY.

Thursday, October 30, 1884.


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

PUBLIC INSTRUCTION.

Mr. J. J. MADDEn asked the Minister of Public Instruction whether his attention had been called to the following paragraph in the Hamilton Spectator, of the 25th October:—

"It appears that while two of the scholars, a boy and a girl, were going home from school, some skylarking took place, during which, according to the girl's statement, the boy twisted her arm round and round, knocked her books out of her hand, kicked them, &c. The parents of the girl complained to the schoolmaster, who questioned the boy. The latter denied the
charge, but supplemented this denial by becoming insolent to his teacher, who, naturally and properly, cursed him. Thereupon the boy, to whom a witness gave a good character, closed with the master, denying his right to flog him for anything that occurred beyond the school precincts, and a rough-and-tumble scrimmage ensued. An assistant teacher interfered, parted the combatants, and then this model of a boy again closed with his master, who, as a dernier resort, turned him out of the building. From this it would seem clear that the lad was cursed not for what occurred out of school, but for his insolence when within it. Nevertheless, Mr. Taylor, P.M., considered the boy's resistance natural, that the schoolmaster had exceeded his jurisdiction, and eventually the bench imposed a fine of 10s. and 4s. 6d. costs the unlucky dominie. If State school masters have a right to flog scholars for misconduct in school, and this right was not questioned, in the case in point, it seems to us the decision cannot be justified.

The matter was one of importance to all State school teachers, and he would be glad to know whether teachers had or had not jurisdiction over the conduct of their pupils while proceeding to or returning from school? If they had not, the probabilities were that differences among school children would beget quarrels among parents.

Mr. GILLIES remarked that a portion of the matter alluded to in the question had been referred to the Solicitor-General, who had been applied to by the teacher to have the fine remitted. The police magistrate who presided when the case was heard had been requested to furnish a report as to the facts, and, until that information was supplied, the Solicitor-General would not be in a position to make any recommendation. A regulation with reference to the exercise of supervision by teachers over scholars had been in force in the Education department since February, 1873.

"You are reminded that your responsibility for the scholars intrusted to you is not limited to the time during which they are actually engaged upon their school duties, but extends over the entire time from the assembling of the school till its dismissal."

As far as he had been able to learn—of course he would know more when the report from the police magistrate was received—a boy and a girl belonging to the school were going home, the girl carrying a satchel with some books, which the boy took out of her arms and kicked; that, in her resistance to the boy's proceedings, her arm was hurt; that the parent of the girl wrote to the teacher complaining of the boy; that the teacher, having inquired into the complaint in the presence of both boy and girl, proceeded to punish the boy for what he considered his improper conduct. It was out of that that the police court inquiry arose. His own personal view of the matter was that it was very unfortunate for any parents, however much they might think of their children, to make the administration of punishment by a teacher, who was not violent, who did not indulge in an excess of passion, but who seemed animated simply by a desire to preserve discipline among the children attending his school, the subject of a police court inquiry unless it was clear that something very wrong indeed was done. He ventured to think no honorable member would assert that he was otherwise than properly treated in his youth when he was punished in the same manner for misbehaving under similar circumstances. The Royal Commission on Education had made a recommendation on this subject. In their report they expressed the hope that some provision would be made to enable teachers to exercise some kind of supervision over children from the time they left home for school until their return; and that matter would receive the consideration of the Government.

Mr. J. J. MADDEN stated that he brought forward the matter not with any desire to impugn the decision of the police magistrate, because he knew that gentleman, and was aware that his decisions were generally correct. All that he wished was to obtain information.

SAMUEL McPONNELL.

Mr. LEVIEN called attention to an order of the House, made on the 16th October, at the instance of the honorable member for St. Kilda (Mr. Davies)—for the production of papers in connexion with the case of Samuel McDonnell, late an officer of the Mining department—and stated that, as the papers were voluminous, he would place the originals in the Library.

MINING LEASES.

Mr. RICHARDSON moved—

"That there be laid before this House a return showing—1. All the mining leases in the colony. 2. The area of each lease. 3. The names of the holders. 4. The labour covenants. 5. The numbers of men employed; and 6. The number of leases forfeited."

Lt.-Col. SMITH seconded the motion, which was agreed to.

THE "CUP" DAY.

Mr. SERVICE moved that the House, at its rising, adjourn until Wednesday next, the 5th November.

Mr. KERFERD seconded the motion.

Mr. NIMMO objected to the business of the country being interfered with because
certain races were about to take place in the neighbourhood of Melbourne. The Premier had requested certain honorable members to refrain from making second-reading speeches on the Railway Construction Bill when that measure was in committee, in order that business might be facilitated; and yet the House was now asked to adjourn over one of the ordinary sitting days—for what? To countenance a system of gambling which was sapping the foundations of public morality.

The motion was agreed to.

RAILWAY CONSTRUCTION BILL.

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

Mr. McLEAN moved the addition to clause 8 of a sub-section authorizing—

"A railway commencing at or near Rosedale and terminating at or near the township of Yarram, in the line and upon the lands described in the schedule hereto, to be called the Rosedale and Yarram Railway."

He stated that a line in this direction had been asked for for years, not only because it would connect old-established districts in North and South Gippsland, but also because it would make available for settlement a large area of first-class land which would not be occupied so long as there were no facilities for conveying produce to market. The Railway Bill of 1882 included this line, and, as soon as that Bill passed the Assembly, there was a large rush of settlement to the country between Merriman's Creek and Yarram, the selectors including people from South Australia and some of the other colonies. Now the taking up of 300 selections meant something more than the taking up of land by 300 individuals. Before that land could be used for any purpose, a large expenditure had to take place. To make the land available for grazing, the scrub had to be cut down, and had to lie where it was cut during the summer, and then it had to be burnt and the grass seed sown in the ashes. This involved an expenditure of from £2 to £3 per acre; and the clearing of the land for agricultural purposes, which meant taking out the large timber, involved an expenditure of four or five times that amount. Thus a selector in that country must either have a family who were able to do the work themselves, or he must be prepared to employ a large amount of labour. Therefore the settlement around Merriman's Creek meant that 300 farms—800 separate establishments—had been created in that part of the country in consequence of the

pledge given by the Assembly two years ago that they would get railway communication. This, therefore, was a very exceptional case. Settlement had taken place, and an expenditure involving some £200,000 or £300,000 had been incurred in making the land available for the lower purpose of grazing, simply on the faith that the district would have the benefit of railway communication, so that the settlers would be enabled to send their produce to market at something like a reasonable cost. Those who were acquainted with the difficulty of making roads in scrub land, where there was no metal available, must be well aware that it was impossible to transport produce at anything like a reasonable rate; and, therefore, if the selectors between Rosedale and Yarram were denied what they were promised in the last Parliament, they would have to submit to a life and death struggle—they could not possibly work their land to advantage. Certainly it was not right, or dignified, or politic for Parliament to break faith with a large number of people under circumstances such as he had narrated. If the Government were of opinion that to take the railway to Yarram would be too far, he would be content if it did not go further than the selections; and, as it would be principally a produce line, it could be made as light and inexpensive as possible. He admitted that the Government and the House had done a great deal both for North and South Gippsland; but that did not affect the people who were interested in this line, the greater number of whom were in South Gippsland; and, therefore, he hoped that, under the exceptional circumstances of the case, the Government would see their way to make this concession.

Mr. A. HARRIS concurred with his honorable colleague (Mr. McLean) that it would be a breach of faith towards people who had taken up land between Yarram and Rosedale not to authorize the construction of the railway which formed the subject of the amendment. Not only would the line serve the selectors in that part of the country, but it would make one of the finest harbours in the colony—the harbour at Welshpool—accessible from North Gippsland.

Mr. GILLIES said he could assure the honorable members for North Gippsland that the Government would be very glad if they could see their way to include the line from Rosedale to Yarram in the Bill. But, as he stated in reply to the proposal submitted by the honorable member for Stawell the previous night, Parliament had to stop.
somewhere. The Yarram people would be served by railway owing to the adoption of the proposal to extend the Great Southern line to Alberton. (Mr. McLean—“But these people cannot get to Yarram.”) They could get to Rosedale, which was only a comparatively few miles distant, while there were thousands of persons in various parts of the colony who were not within 30 miles of a railway. At any rate the Government had done the best they possibly could for both North and South Gippsland.

The sub-section was negatived.

Mr. GRAVES moved the addition of a sub-section authorizing—

“A railway commencing at or near Moyhu, and terminating at the North-Eastern Railway, in the line and upon the lands situated on said line between Benalla and Wangaratta, described in the schedule hereto, to be called the Moyhu and North-Eastern Railway Branch Railway.”

He explained that this was one of four lines which were embraced in the railway scheme submitted by Sir James McCulloch to Parliament in 1876, and which had not yet been constructed. It would be about twelve miles long; it would traverse the valley of the King River; and it would serve a number of townships, including Oxley, Milawa, and Hedi. Hops, tobacco, and Indian corn were grown in the district, which was undergoing rapid development, as could be testified to by the Minister of Customs, who recently paid it a visit. In the absence of railway communication, the farmers of the district would be heavily handicapped. From the success of the North-Eastern Railway and some of its branches, notably the Lower Goulburn line, there was every reason to suppose that a line to Moyhu would be an exceedingly profitable one, because the valley of the King River was equal in fertility to that of the Lower Goulburn. Since the line was originally proposed by Sir James McCulloch, settlement in the district had trebled. There was no doubt that the district was much more entitled to a railway than many of the districts which would be provided with lines under the Bill; and he believed, if evidence were taken at the bar of the House, honorable members might be induced to remove from the Bill some of the lines already contained in it, and to shorten others, by which arrangement there would be no difficulty in providing for a line to Moyhu. Why should not the Railway Commissioners be examined? (Mr. Woods—“What do they know about the lines more than we do?”) Parliament, when it passed the Railways Management Bill, naturally expected that, on matters of this kind, the Railway Commissioners would be able to afford information. (Mr. Woods—“You might as well ask them to translate Sanscrit.”) It was contended, the previous night, by the honorable member for Ballarat West (Lt.-Col. Smith) that, if evidence were taken at the bar, honorable members would disapprove of several of the lines which the Bill provided for; and, if there was anything in that contention, it was only right that the claims of such a line as that to Moyhu should be considered. The district was a very important one, and no less than 2,000,000 acres in it would be dealt with under the Land Bill now before Parliament, yet, with the exception of the line proposed to be constructed through the electorate represented by the Attorney-General, the whole of that great territory would be untapped by railway construction. Portions of the country were thickly inhabited, and at Oxley land had changed hands at from £8 to £10 an acre recently. The neighbouring electorate of Moira was intersected with railways in every direction, while this portion of the country was not served by railway at all. He hoped that should an opportunity arise, by any line being struck out, the Minister of Railways would favorably consider the line he (Mr. Graves) now proposed.

Mr. GILLIES said he confessed he was sorry that the Government did not see their way to propose the construction of this line. This and a number of other lines in parts of the colony where there was a good deal of settlement were deserving of consideration, but the people were not so far away from railway communication as those in other districts where it was proposed to construct railways, and this was the real distinction which the Government had to keep in view. This line was left out because other districts which were 20 or 30 miles from railway communication had more pressing claims.

The sub-section was negatived.

Mr. HUNT stated that he had given notice of an amendment providing that the proposed Yea Railway should proceed via Alexandra, but as the Minister of Railways had agreed to the construction of a short line to Ainsworth's Gap, he would not proceed with it. The branch line was not all that the people of the district were entitled to, but he would accept it as at all events showing a reasonable disposition on the part of the Government to meet some of the requirements of the district.
Mr. M. H. DAVIES proposed the following sub-section:—

"A railway commencing at or near the St. Kilda railway station, thence under Grey-street, thence to or near Elwood, and terminating at a point on the Brighton line, in the line and upon the lands described in the schedule hereeto, to be called the St. Kilda and Elwood Railway."

He stated that the arguments in favour of this line were well known to honorable members, so that it was not necessary for him to take up the time of the committee by repeating them. The railway would be self-supporting, and would serve a district where the population was rapidly increasing, and which at the present time was some distance from railway communication. It would also greatly enhance the value of a large quantity of land belonging to the Government. The Government had already sold a portion of the fringe of the swamp there at a good price, and when the remainder of the swamp was filled up, it would realize a large sum.

Mr. J. HARRIS expressed the hope that the committee would support this line. It would be inexpensive to construct, and would serve a large population. He believed it would pay very well, while it would be a great convenience to the people of South Melbourne, and indeed to the whole of the metropolis.

Mr. GILLIES said it was only a little while since he heard anything of this line. He caused inquiries to be made, and, although he had not been in a position to obtain an exact survey, if honorable members would listen to what the surveyor, Mr. Darbyshire, stated would require to be done, they would be able to judge whether the line was likely to be inexpensive or costly. His report stated—

"To continue the St. Kilda line along Grey-street would require an open cutting, 100 yards long, from the south side of Dalgety-street, where the cutting would be, say, 20 feet deep. A tunnel would then extend from the north side of Dalgety-street to about the south side of Robe-street, the length being about 400 yards. From this point an open cutting, about 150 yards long and 20 feet deep at the end of the tunnel, would extend to the intersection of Grey-street with Barkly-street, which would be crossed on the level. Beyond the intersection of Grey and Barkly streets, going towards Elwood, the line could be nearly level, probably on a slight embankment."

Honorable members knew the trouble there had been in connexion with the level crossing at Swan-street, Richmond, and, considering this and the other works which would be necessary on this line, the Government did not feel themselves justified, at all events on the information at present available, in agreeing to its construction.

Mr. BENT remarked that this proposal appeared to be made in only a half-hearted way. He might state, however, that the material taken out of the cutting would be worth the cost of excavating, because the Government were at the present moment trucking sand three-quarters of a mile to fill up opposite this very place, and the land which the late Government filled up two and a half years ago had brought from £13 to £20 per foot. It would really pay the Government to excavate these 100 feet of open cutting, and use the material for filling up, instead of bringing sand. He was informed, on the authority of Mr. Shakesppear, that the 400 yards of tunnel could be excavated at £75 per yard, and if the swamp were filled up, the land would fetch £500 an acre.

The sub-section was negatived.

Mr. McCOLL proposed the following sub-section:—

"A railway commencing at or near the Boorat railway station, proceeding thence to Kerang, and thence to Swan Hill, and terminating at or near Swan Hill, in the township of Castle Donnington, in the line and upon the lands described in the schedule hereto, to be called the Boort, Kerang, and Swan Hill Railway."

He remarked that the length of the proposed line was about 62 miles. For nearly fifty years Swan Hill had been the crossing place for stock. Every newspaper in Victoria approved of this line as one of the few really national lines that had been proposed from time to time. Every honorable member who had spoken of the line since the consideration of the present Bill commenced had approved of it, and had condemned the action of the Government in omitting it from the measure. From Echuca to Wodonga the Murray was tapped in three places, and it was proposed to tap it in two more, in addition to the line from Numurkah to Nathalia, which would go within a few miles of the river. When all the lines proposed by the Government were completed, the Murray would thus be tapped in six places above Echuca, while from Echuca to the South Australian border it was not tapped in one. The proposed line would pass through country which was all selected, and which was almost on a dead level. The land was fertile, and there was a chain of lakes from Kerang to near Swan Hill, which had been joined by connecting channels nearly the whole distance, and engines and pumps were being erected to irrigate the country. When irrigation was carried out, it would cause the country to produce a plethora of
products such as had never been seen on the Plains before. Nothing would give greater encouragement to the selectors between Boort and Kerang than the construction of a railway to take away their produce, which he had no hesitation in saying would be increased tenfold by irrigation. The line to Kerang had been constructed at a cost of £110,000 for the 71\(\frac{1}{2}\) miles. (Mr. Gillies—"Oh!") He was quoting from the Bendigo Independent, which stated that the line to Kerang only cost £1,200 per mile, and as the country through which the line he now proposed was similar, the cost ought to be about the same. There should, therefore, be no difficulty in the way as far as the money was concerned. Another important point was that there was a great trade conducted between the western and north-western districts of Victoria and the country beyond Swan Hill, and the construction of a line to Swan Hill would enormously increase this trade. The people of the north-western and western districts naturally were desirous of facilities for carrying their produce into Riverina, which could not be grown there, and getting in return the wool from that district. Godlong, Warrnambool, Belfast, and the whole of the western district were deeply interested in this line. In fact, not a voice had been raised against it except in Echuca, and even there the newspapers admitted that the line must be carried out at some time, although they said there was no occasion for it at present. He would leave the matter with confidence in the hands of the committee, and he hoped honorable members would act independently and vote according to their convictions on the question.

Mr. SHACKELL observed that he regretted exceedingly that he was not present when this question was first discussed, so that he might have corrected a number of mistakes which were made by honorable members with regard to the Murray river trade, the business done between Echuca and Swan Hill, and also the geographical position of various points. Considering that the honorable member for Brighton was Minister of Railways in 1882, it might have been thought that he would have made himself better acquainted with the geography of the Murray and the various crossing places there than to have uttered the statements he did on the previous Thursday. According to the Argus report, the honorable member spoke as if Tooleybuc would be on the direct line between Melbourne and Swan Hill.

Mr. BENT said he never made any such statement. If the honorable member would look at Hansard, he would see that he (Mr. Bent) stated that Tooleybuc was beyond Swan Hill on the way to Wentworth.

Mr. SHACKELL stated that he would accept the honorable member's correction, but he presumed that the honorable member at all events said that the railway ought to be carried on to Tooleybuc, which he designated as "one of the principal crossing-places on the Murray." Was the honorable member aware that Tooleybuc was 52\(\frac{1}{2}\) miles below Swan Hill, and that it was in New South Wales? The honorable member was also in error in saying that it was one of the principal crossing-places. Some 23 or 24 years ago it was established as a crossing-place, and a few thousand sheep were crossed there; but now it was altogether disused, and the public-house that formerly was there had fallen into a dilapidated condition through being untenanted. The honorable member also stated that, in 1882, boats were stuck up for eight months on the Murray between Swan Hill and Echuca. That statement was absolutely untrue. He might inform honorable members that when a vessel could reach Swan Hill it could always come on to Echuca. The worst part of the Murray was a point called the Bitch and Pups, which was 63 miles below Swan Hill. (Mr. Bent—"No.") When a boat could get over that point it could go right on to Echuca, and he challenged the honorable member to disprove the statement. As a matter of fact, for six or seven weeks, and sometimes for eight weeks, after boats had ceased to come up the Murray to Swan Hill, traffic was carried on between Swan Hill and Echuca, because that was the best portion of the river. The honorable member for Maryborough (Mr. Bowman) also stated that the Murray was tapped five times in the Rodney electorate, but as the honorable member had since admitted privately that this was a mistaken statement, it was not necessary to further refer to it. The honorable member for Sandhurst (Dr. Quick) also alleged that vessels were stuck up for six months between Swan Hill and Echuca, and stated that he derived his information from a report printed at Swan Hill. He (Mr. Shacklell) had already disposed of that assertion, and he would give honorable members a few statistics which would show the real state of the case in relation to this line. (Mr. Mirams—"We don't want statistics; honorable members have made up their minds.") He did not wish to detain the
committee, but he might state that, from about three miles beyond Kerang, the whole of the country was a barren waste. (Mr. McColl—"No; every inch is selected.") The line would cost £900,000, including a bridge over the Loddon, and, although there appeared to be a combination between the Sandhurst and Ballarat members with the object of carrying this line, he thought it his duty to warn the committee that the money would be thrown away.

Mr. Gillies remarked that the Government intimated, the previous week, when they submitted their additional proposals, that they would be compelled to oppose any further lines proposed by honorable members. Some honorable members were good enough to say that the position taken up by the Government was due to the fact that he happened to be member for Rodney, but he might say that in any action the Government had taken they had not been influenced in the slightest degree by the mere fact that he was one of the representatives of Rodney. He would assert that, when the Swan Hill line was proposed in 1882, if he had thought the proposal was a good one on its merits, he would have supported it, whatever the consequences might have been.

He thought his political conduct on various occasions since he had been in the House—when he had frequently risked his seat, very well knowing that he was doing so, in acting according to what he considered to be his duty—showed that he was ready to carry out his convictions apart altogether from outside influences. He trusted he would always have the courage of his opinions, and he unhesitatingly said that, if he had thought this line was a good one, he would have supported it on its merits, irrespective of the fact that he represented Rodney. On the present occasion he had only to say that the Government were bound to oppose this line, as they had opposed the others which had been proposed by honorable members. He could understand the position in which the honorable members representing the district were placed—of course, it was their duty to try to do the best they could for their district—but they must also consider the position of the Government. The Government in their Bill submitted by far the largest number of railway lines ever placed before Parliament, and, in addition to that, after hearing the views of honorable members, they consented to add a number of other lines. He thought he might say that the Government had gone as far as any one could have the slightest justification for expecting them to go, and he was quite sure that the whole of the public outside would say that they had gone as far as they were justified in going. Moreover, the present proposal was rather a peculiar one. He understood that the honorable members who were advocating a line to Swan Hill were advocating 36 miles of line, but now it was found that the proposal had grown into 71 miles of railway. He ventured to think that the change of front on the part of the honorable member for Mandurang (Mr. McColl) could not be justified to the committee. He confessed he was astonished when he heard the honorable member at this stage come forward with an extravagant proposal for 71 miles of railway, which would involve an enormous expenditure, and he did not know how the honorable member could justify the proposition to himself. The proposal would, he thought, astonish other honorable members, some of whom, he believed, had promised the honorable member their support on quite a different proposal. He thought the conduct of the honorable member was unfair to his own friends, who had promised him support under different circumstances. To expect the Government to support such a proposition was unreasonable, and they would be bound to oppose it. He sincerely trusted that honorable members would not countenance this proposition, and that they would support the Government in adhering to their already very extensive proposals, which he felt quite confident that the public out-of-doors at any rate considered had now reached such a number of miles of railway as ought not at present to be exceeded.

Mr. Mackay said he was very sorry to hear that the Government had determined to oppose this line. Seeing that it was a line which had so much to recommend it, which would confer a benefit on such a large number of people not only in this but also in other colonies, he thought that when a loan was about to be incurred they ought not to be deterred by the small additional expenditure this line would entail from accepting fairly a proposition which was supported by a large number of members if members were allowed to vote as they liked. (Mr. Dow—"That is a bad line to take up.") He thought it was a very fair argument to urge on Ministers. He thought they ought to leave honorable members to vote according to their ideas, and not make this a Government question. The Treasurer was proposing to place a loan on the London market, a large proportion of which was for railways, and in
addition to the present proposals of the Government, which he admitted were very liberal, they asked him to include this line, which had very strong arguments in its favour. New South Wales was about to expend £11,500,000 on railway construction, and why should Victoria hesitate as to increasing its railway expenditure to the extent of £180,000? He believed that was all that would be required to obtain the extension now proposed. (Mr. Gillies—"I beg your pardon.") He was informed that £183,000 was all that was wanted, and why should the Government object to that expenditure for a railway which would not only serve the interests of a large population in the northern portions of the colony, but would also secure the traffic of a great part of Riverina, a district settled by Victorians, and who naturally looked forward to retaining their connexion with this colony by means of a railway in that direction? Even allowing that the line would cost £200,000, he thought that the Government might very fairly spring that amount for such a purpose. In placing the loan on the London market, what difference would it make if the amount of it was increased to that extent? Seeing that the neighbouring colony of New South Wales had developed a large national policy of railway extension, Victoria ought to feel some shame that it had not to some extent, at all events, imitated that policy. New South Wales had voted £1,050,000 for the construction of a railway right across from Forbes to Wilcannia—a distance of 340 miles. Why should the Government of Victoria be afraid of making a line which would only be 63 miles in length altogether? (Mr. Gillies—"The line from Boort to Kerang would be 31 miles, and from Kerang to Swan Hill 36.") According to the Government Statist it was only 34 miles from Kerang to Swan Hill, and, by the figures with which he (Mr. Mackay) had been furnished, the line from Boort to Kerang would only make the total length 63 miles; but a question of a few miles was neither here nor there. The honorable member for Rodney (Mr. Shackell) had addressed the committee against making a railway to Swan Hill. Was it not exceedingly ungracious on the part of the honorable member to stand up not to vindicate the lines proposed in his own district, which required some vindication, but to try and prevent other people from having railway communication with the metropolis? What right had the Echuca people to try and prevent railway connexion with any crossing-place on the Murray for 200 miles below Echuca? Was not that a dog-in-the-manger policy? He believed that even in the interests of Echuca the larger policy would be the better one—that a policy which would provide for tapping the Murray not only at Swan Hill, but also at Euston, and down to Wentworth, would cause such a river trade that Echuca itself would benefit by it. He never knew success attend such a narrow-minded and foolish policy as Echuca was pursuing in this matter. He had a stake in Echuca as well as the honorable member for Rodney, but fortunately he had not the same contracted views of his duties as a public man. The honorable member had stated that the district between Kerang and Swan Hill was barren country, but gentlemen better acquainted with the district than he was had told him that the honorable member that he was utterly mistaken—that between Kerang and Swan Hill there was some of the finest land in the whole of Victoria. Water was the single thing that the district wanted to make it productive, and the president of Echuca-shire had stated that no part of the colony was so well situated for irrigation—that it could be irrigated from the Murray with the utmost ease. He, however, would not follow the honorable member for Rodney through the whole of his remarks; he thought that the honorable member ought to be ashamed of the position he had taken up. The honorable member's own sense of propriety must tell him that it was not right for the people of Echuca to try and deprive other people of fair railway accommodation. An accusation had been made that an unholy combination existed between Sandhurst and Ballarat as to the Swan Hill line, but he did not believe that Sandhurst concerned itself about this line except to a very small extent; and it was only from a sense of the fair claims of the district which the railway would serve that the members for Sandhurst had moved in the matter. Twenty years ago a railway to Swan Hill was pointed out by Victorian statesmen, and in the public press, as a grand trunk line to secure traffic from Riverina to Melbourne, and it had been advocated over and over again since that time. By making a railway to Swan Hill, Victoria would get a large portion of the Riverina trade which now went elsewhere, because the river Murray was often navigable as far as Swan Hill when steamships could not get up as far as Echuca. Again, why should the Legislature pass Land Acts to settle people on the lands in the northern part of the colony if the settlers

Mr. Mackay.
there were to receive no consideration in the
shape of railway accommodation? (Mr. Giffes—"How far north?") When lines
from Dunolly to Inglewood, from Boort to Kerang, and from Kerang to Swan Hill
were constructed, a new market would be opened up for the produce of the farmers in
the whole of the northern parts of the colony —the Wimmera, the Lower Avoca, and
above the Lower Loddon. It was very im­
portant that the Government should try and
get them a fresh market for their surplus
wheat, as well as for their surplus feed for
horses and cattle, because it was well known
that people were losing money by shipping
wheat to England. The line to Swan Hill
could be easily made; it would be a cheap
line, and a national line. It would serve not
merely one district, but the whole of Victoria.
Why should the Government resist the
construction of a great national line which
would command the whole of the trade of the
northern part of the Murrumbidgee to the
Murray, and be the precursor of a railway
to Wentworth, which had been advocated by
the Premier and would command the traffic
right away up the Darling? The Govern­
ment would not do themselves any good if
they succeeded in getting the line thrown out.
It would redound to their credit if they
agreed to include it in the Bill, but if they
were the means of defeating it, they would
earn the well-grounded hostility of the settlers in the northern districts, who had
the same right to railway accommodation as
those in other localities. He was afraid
some honorable members who were in favour
of the line would be influenced by the fact
that the Ministry said they would make its
rejection a Government question. (Mr.
Mirams—"They have not said that.")
The strong opposition given to the line by
the Minister of Railways amounted to
making it a Government question. He
hoped, however, that, if honorable members
believed in the line, and thought that it was
one which in fairness and equity ought to
be constructed, they would vote for it, and
would not, by voting against it, do an in­
justice to the northern part of the colony.

Mr. OFFICER observed that a great deal
might be said in favour of making a line from
Kerang to Swan Hill in order to secure a
large portion of the Darling trade, and for
many other reasons; but the matter had
assumed a new feature altogether by the way
in which it had been brought before the
committee. He could not support the line
from Boort to Kerang. He saw no justifi­
cation for it, considering the many other
parts of the country that were without rail­
way accommodation. He had intended to
vote for the line from Kerang to Swan Hill, but, as it was mixed up with the Boort
line, he would have to vote the other way;
and he knew that there were other mem­
bers who were in the same position as
himself.

Mr. BENT said the honorable member for
Rodney (Mr. Shackell) spoke the other night,
at Echuca, about his (Mr. Bent's) ignorance
of the geographical position, and so forth. He
believed that the honorable member even went
so far as to state that he (Mr. Bent) would
be tarred and feathered if he visited Echuca.
Reference to Hansard would show that the
statements made to the people of Echuca
regarding him were not justified. In the
course of his speech, the previous Thursday,
he said—

"A line ought to be made to Swan Hill, and
thence to Tooleybuc, to tap the Darling trade.
Tooleybuc was one of the principal crossing
places on the Murray."

Was not this correct? (Mr. Shackell—
"Tooleybuc is in New South Wales.") The
honorable member stated a little while ago
that it was 524 miles from Swan Hill, but
it was only 30 miles, and, therefore, the
honorable member was totally ignorant
about geography. (Mr. Shackell—"It is
524 miles.") The honorable member could
make any statements he liked at Echuca,
but when he attempted, in his place in Par­
lament, to oppose the Swan Hill line on its
merits, he was, metaphorically speaking,
shut up. It was hardly worth while taking
any further notice of the honorable member's
long rigmarole at Echuca. The honorable
member thought himself very clever in im­
puting ignorance to him (Mr. Bent), but
had it not been for ignorance on the part of
leading public men of all shades of opinion,
a line to Swan Hill would have been made
days ago. The honorable member forgot
to tell his constituents that the line from
Eaglehawk to Kerang was made on the
distinct understanding that it would be
continued to Swan Hill. Would 60lb. or
66 lb. rails have been used for the Kerang
Railway if it had not been intended to
extend the line to Swan Hill? Certainly
not. He was sorry to hear the honorable
member for Dundas condemn the line from
Boort to Kerang, for it would serve a very
large number of farmers in the district of
Quamby. What justification was there for
the line from Tatura to Echuca, if the line
from Boort to Kerang and from Kerang
to Swan Hill was left out? He hoped that
Mr. JAMES said he objected to the question being rushed to a division. A matter involving such immense interests ought to command the earnest attention of the committee, and should not be hurried in the way that some honorable members on both sides of the House seemed to desire. He had not yet decided how he would vote. A great deal would depend upon the further information which he hoped to get. He wanted to hear the arguments on both sides. With regard to the line from Kerang to Swan Hill, he looked upon it as a necessity, but there were circumstances in connexion with it which might possibly prevent him from voting for it. (Dr. Quick—"You have got up to defeat it.") He had risen in consequence of the heated temper which the committee had got into, and to prevent the question being hurried to a division. He considered that honorable members had not sufficient evidence with respect to the proposed railway to enable them to come to a decision upon the subject on its merits. No doubt the line would serve an important public purpose, but so would many of the other lines omitted from the Bill. Another thing to be considered—by him, at all events—was the position of the Government in the matter. They had already made large concessions, but they said now that the time had arrived when they were unable to concede any more, and, consequently, he had to ask himself whether he would vote in a way that might cause the Bill to break down by its own weight, and so far act in concert with honorable members who did not care whether the Government lived or died—who, in fact, would rather it died than lived—or whether he would assist Ministers in passing their measure in a good form. Upon the whole, he would decide in favour of the latter course. Moreover, he would ask honorable members generally to have regard to two points—first, the consequences that would accrue to their constituents if the Bill had to be withdrawn; and, secondly, the fact that the lines they advocated, but which the Government could not accept, were almost certain to stand among the earliest of the lines to be proposed in the next Railway Bill the Government brought forward. Was it not obvious that the desired line to Swan Hill would be constructed no sooner by being included in the present Bill than it would be if it were left to be included in a future Bill?

Dr. QUICK said he had as great a regard for the position of the Government as the honorable member for Ballarat East (Mr.
James) could possibly have, but he hoped honorable members would not allow themselves to be guided by the solemn, not to say ghostly, advice the honorable member had just given. One reason why they should pay no attention to him was the circumstance that on the previous evening he expressed the utmost certainty that the Ballarat to Buninyong line had not the slightest chance of being carried. He must therefore be regarded as a highly unsafe guide. Again, how was it that, although the previous night the representatives of Sandhurst and Mandurang supported the Ballarat to Buninyong line, being influenced so to do by the fair representations made on its behalf by honorable members for the Ballarat district, the honorable member for Ballarat East had now the audacity to ask who wanted the Swan Hill line, although he was bound to know that it was supported not only by Sandhurst and Mandurang, but by the whole of the western districts of the colony? For example, he knew, or ought to know, that at a conference of delegates representing the interests of Mandurang, Sandhurst, Inglewood, Avoca, Tarnagulla, Maryborough, Ballarat, and other districts, the following resolution was carried unanimously:—

“That this meeting, recognising the necessity of railway communication with Swan Hill, for which no provision has been made in the Railway Bill now before the House of Assembly, respectfully urges the Minister of Railways to provide funds in the forthcoming Loan Bill sufficient to construct a line from Kerang to Swan Hill, inserted in the last Railway Bill, as well as to connect Boort with Kerang and Swan Hill line at such point as the Railway department may consider most suitable, thus giving Mandurang, Sandhurst, Avoca, Ballarat, and Geelong connection with the Murray.”

Was the honorable member laboring under a feeling of pique because he was not consulted about that piece of business—about the details and terms of the resolution that was then carried? Was he possessed with a sense of bitterness because the conference was held at poor Sandhurst instead of at mighty Ballarat? The compromise indicated in the resolution was adopted in order to avoid the unfortunate split that took place when a line to Swan Hill was last before the Assembly. What happened then? The honorable member for Brighton, as the Minister of Railways of the O'Loghlen Government, placed a line to Swan Hill in his Railway Bill—he (Dr. Quick) begged to thank him publicly for having taken that step—but the proposition was rejected. Nevertheless it was the most honorable defeat any Government could possibly sustain on the floor of the House. How was that defeat achieved? Through nothing more than the wonderful skill and clever tactics—he desired to do the honorable gentleman every justice—of the present Minister of Railways, who was then simply working the oracle on behalf of Echuca. There was a large majority in favour of railway communication with Swan Hill—in fact, there were 51 members for it and only 17 against it—but by getting the Ballarat members to vote against the Kerang route, and the Sandhurst and Mandurang members to vote against the Boort route, and so playing one party against the other, he contrived to upset both proposals and score a victory for Echuca. He (Dr. Quick) did not revive the memory of these melancholy facts in order to reflect on any one, but simply to show the importance of avoiding a similar split in future, and the reasons why a compromise had to be resorted to. He had intended to go very much into detail on the subject of the present proposal, but, since the honorable member for Rodney (Mr. Shackell) had refrained from dwelling upon the minutiae of the question, he would content himself with so far following the honorable member's example. He greatly regretted having to say anything that might have the effect of injuring Echuca, for he had many personal friends there, but he felt bound to point out, as he did in 1882, that the Murray below Swan Hill offered greater facilities for navigation and traffic than it did above that point. He would also make some reference to the Echuca meeting of last Saturday evening. At that gathering the remarks previously made by himself and others with respect to the Kerang route were seriously and almost furiously challenged and denounced, but he would simply reply to what was then said by reading a portion of the Argus report of the meeting held at Swan Hill last Monday evening. It was to the effect that on the motion of Mr. Henry Williams, seconded by Mr. Thomas Pye, the following resolution was unanimously adopted:—

“That, in the opinion of this meeting, the opposition of Echuca to railway extension to Swan Hill is selfish, and altogether unjustifiable. This town is nearly 260 miles by river from Echuca, saving 400 miles of steaming on every trip to the Darling or Murray-Bidgee, and during six months of the year, when the river closes, supplies a district that cannot be supplied from Echuca. Melbourne has as much right to close every port on the sea-board as Echuca has to object to our line, and we emphatically protest against the interests of this district, and the interests of thousands of settlers of north-west Victoria, being sacrificed in the interest of a few would-be monopolists at Echuca. If this town possesses any advantages over Echuca, why should Victoria
hesitate to use them? If it has no advantages, what sense is there in Echuca opposing the line? It seems to us the opposition of Echuca is the best possible proof that the line to this town would permanently benefit the Riverina trade."

He did not desire to say one word offensive or disrespectful to any honorable member, but at the same time he would urge the committee to vote on the present question without regard to the local or personal interests of the honorable member for Rodney.

Mr. WHEELER thought the railway now proposed would, on its merits, compare favorably with almost any line in the Bill, but the measure must stop somewhere, and in view of the liberal proposals the Government had already submitted, they ought to be supported in the stand they were now making. Nevertheless he would very much like to vote for a line to Swan Hill by way of Kerang, for he was familiar with the country it would serve, and the importance of the interests it would advance. Moreover, he had an idea that the Government might, without taking more borrowing powers than they intended to take, adopt a plan which would enable them to construct a railway to Swan Hill out of the funds already at their disposal. For instance, could they not dispense with the proposed connexion between the Flinders-street and Spencer-street stations? If they simply omitted to construct that line they would avoid an expenditure that would be amply sufficient for a line to Swan Hill, which would unquestionably be one of the very best railway extensions they could possibly undertake. He originally intended not to say a word upon the Bill, but he could not refrain from expressing his sympathy with the proposal before the committee, and also his pleasure at finding the lines he unsuccessfully advocated in 1882 included in the present measure. Undoubtedly that circumstance afforded a complete answer to the scurrilous statements, with respect to himself and his action in connexion with those lines, that were formerly made against him.

Mr. M. H. DAVIES observed that a number of honorable members were placed in a difficult position by the shape in which the present proposal was put before the committee. For his own part, he was anxious for a line to Swan Hill, but he did not see his way to support also a line from Boort to Kerang, consequently he would have to vote in the forthcoming division with the "Noes." Were a line from Kerang to Swan Hill proposed by itself, he would support it.

Mr. McINTYRE said he had a few words to offer with respect to the position taken up by the honorable member for Creswick (Mr. Wheeler). Why should the honorable member be so vacillating? With him it appeared to be, "I will, and I will not," or "I want to vote for the line, and I don't want to vote for it." In fact, he simply surrendered his independence, and made the needs of the Government of the day his supreme consideration. A railway to Swan Hill had been demanded by the people concerned for the last twenty years, and, being a great national work, it ought to be undertaken and carried out, regardless of the representatives of Echuca. Those honorable members had done their best for Echuca, and, if they were beaten, Echuca should not blame them. It might be said that Parliament had already sanctioned a railway to Swan Hill, for one of the objects of the promoters of the Sandhurst and Inglewood Tramway Act, passed a great many years ago, was to eventually construct a line from Inglewood to the Murray, and nothing but the state of impoverishment into which the colony fell shortly after the Act became law prevented that plan from being carried out. There could be no question that, when Swan Hill was brought within the circle of railway communication, a new province would be added to Victoria. Honorable members could not pay too much attention to the circumstance that above Echuca the Murray was tapped at five separate points, while below Echuca it was not tapped at a single point. In 1882 it was argued that a line from the North-Eastern Railway to Elmore would shorten the distance between Melbourne and Echuca by over twenty miles, but a line to Swan Hill would shorten the distance between Riverina and Melbourne by hundreds of miles. As for the money consideration that seemed to trouble the mind of the honorable member for Creswick, it was a mere bagatelle. Why, last week, while he (Mr. McIntyre) was at Sydney, the Legislature there, in the course of a nineteen hours' sitting, voted £11,750,000 for new railways. He was sorry to see some honorable members expressing objection to the railway from Boort to Kerang, for if it was constructed it would prove a most valuable line, inasmuch as it would serve a fine agricultural territory. Again, why should honorable members, for the sake of opposing Boort, practically sacrifice Swan Hill? He asked honorable members not to be pressed by the necessities of the Government, but to have regard to the national requirements of the colony, and look at the question before them,
altogether apart from party politics. If the Swan Hill line was carried by the House, there could be little question that Ministers would bow to the decision.

Mr. LAURENS stated that the previous week he attended the opening of the railway from Eaglehawk to Kerang, and, in the course of conversation with people whom he met on the occasion, he was given to understand that it would be a great public advantage to have that line extended to Swan Hill. He then stated that he thought the matter worthy of consideration, but he declined to commit himself to any promise to support the extension; he said he would be guided in his vote by the case which might be made out on the floor of the Assembly. He now desired to mention that the matter had come before the committee in a form altogether different from that which he anticipated, because to the 34 miles of extension from Kerang to Swan Hill another 30 or 40 miles had been tacked. He could not support the proposal in that shape.

Sir C. MAC MAHON observed that one of the great reasons why the O'Loughlin Government were put out of office was the extravagant mode in which they dealt with the public funds, and more particularly in connexion with railways. But what were the facts now? Not only had the railways proposed by the late Government been recognised and passed by the Assembly, but additional lines were being proposed. If there had never been an illustration, since the colony had been under parliamentary government, of how votes might be obtained by giving to each electorate that which would secure its representation the seat for the future, a brilliant example was furnished now. He had refrained from interfering at all in the railway question, simply because he considered the colony was not in a position to incur the vast expenditure which was involved. He believed that when that expenditure had taken place, the public would have thrown upon their hands a number of unemployed that they would not know what to do with. No doubt some of the railways now projected had been projected for the purpose not of opening up country, and bringing the farmer's produce to market, or to the sea-board for shipment, but of promoting land speculation, and of enhancing the value of land which had been obtained from the State for little or nothing. However, he considered a railway from Kerang to Swan Hill one which was really required. He sympathized with the Minister of Railways in the position in which he had been placed. Naturally the inhabitants of Echuca did not wish to see anything done which was calculated to take away their trade or to diminish it; and they looked to the members who represented them in Parliament to protect their interests. But there was a limit to that protection, even though one of the members was a Minister of the Crown. The meeting held at Echuca, the other day, with regard to the proposal for a railway from Kerang to Swan Hill, though it might have been something very grand for the Echuca people, was something utterly shameful, as far as the country was concerned. At that meeting something in the shape of a threat was held out that, if the members for the district did not do certain things, the fact would be recollected to their disadvantage at the next general election. That was not fair to the Minister of Railways. That honorable gentleman had done his utmost to protect the interests of his district. Some honorable members might be disposed to think he had gone a little too far in that direction. But if they were to be told that the Murray must not be interfered with in any way, because Echuca said it should not, it was time for the Legislative Assembly to declare that they would do what they thought right and proper in the interests of the country. Within the last few days he was waited upon by a number of gentlemen who informed him that they had sunk all differences as to the route along which a railway should be taken in order to tap the Murray at Swan Hill, so as to secure the Darling trade, and eventually establish railway communication with Wentworth—that, treating the project as a national matter, they had agreed that the line should go from Kerang. He stated that under those circumstances—although it went very much against his grain to vote for a single extra mile of railway, or to oppose the Government in any way—he would vote for a line from Kerang to Swan Hill. He was prepared to abide by that undertaking; but if the proposition now before the committee, which involved some circuitous route, went to a division, he would refrain from voting at all. He considered that those who regarded a railway to Swan Hill as a national undertaking should drop the circuitous route from Boort, and confine themselves to obtaining a line straight from Kerang.

Mr. BOWMAN said he was sorry to hear the avowal of the last speaker, because he considered that the people living between Boort and Kerang were just as much
entitled to railway communication with the Murray as were the people between Kerang and Swan Hill. As to national lines, he was of opinion that there were no national lines in the Bill. Where was the national line to Wentworth which the Premier at one time advocated so strongly? Were the people of Boort, and the people occupying the magnificent country to the northward, to say nothing of the people who had taken up mallee country, to be deprived of railway accommodation simply because the Minister of Railways represented Echuca in Parliament? Everything, it seemed, must be made subservient to Echuca. Even a railway must be made from Tatura to Echuca. As the honorable member for West Melbourne (Sir C. Mac Mahon) had stated, railways were being constructed now, not for the benefit of selectors and producers, but for the advantage of land rings—rings of speculators—and for the purpose of giving Members of Parliament a hold on their seats. But every vote that he (Mr. Bowman) gave on the railway construction question would be consistent and honest. He did not care where a railway went, provided it was wanted for the public convenience he would vote for it. But he objected to political railways, of which there were too many in the Bill. Why the railways to Yackandandah and Myrtleford would not pay for greasing the axles of the railway carriages. Yet while such railways were made, unfortunate selectors who had been induced to take up land in the north-western portions of the colony were kept in an isolated and starving condition for want of railway communication. He was told by persons who were interested in Echuca that that place would be ruined if a railway from Kerang to Swan Hill were built. But the people of Echuca were not the only people to be considered in connexion with railway matters. Why should the whole country be sacrificed because Echuca was represented in Parliament by the Minister of Railways and Mr. Shackell? An attempt had been made to throw discord among the supporters of the respective sections—the Boort section and the Kerang section—of the Swan Hill line, but he did not think it would be successful. If the proposal were carried, Ballarat people would be able to get to the Murray by way of Boort; and he knew as a fact that nine-tenths of the people who had settled in and around Boort came from Ballarat and the western district.

Mr. BENT said he would not have troubled the committee again but for the remarks made by the honorable member for West Melbourne (Sir C. Mac Mahon). When the Bill of 1882 was under consideration, that honorable member was one of the loudest in denouncing as extravagant the proposals contained in that measure; but it appeared that the experience of a year or two had forced him to the conclusion that the railway proposals of the O'Loghlen Government were not as reckless or extravagant as he thought when they were submitted. Sir Bryan O'Loghlen, who no doubt lost his seat through remarks of that kind being circulated, and circulated by the present Minister of Railways, would probably derive some satisfaction from the knowledge that the honorable member for West Melbourne was now of opinion not only that the whole railway scheme of 1882 might be adopted, but that another line might be added. For the information of the honorable member for West Melbourne, he would point out that a railway from Boort to Swan Hill via Kerang would not be a roundabout line. A man who now desired to go from Ballarat to Swan Hill had to travel by way of Echuca—a distance of nearly 400 miles—whereas, if railway communication were established by way of Boort and Kerang, he would have to travel no more than 174 miles. What an advantage would that be not only to the people of Ballarat, but to the people of the whole western district. That alone was a justification for the construction of the line from Boort to Kerang.

The committee divided on the question that the sub-section providing for a railway from Boort to Swan Hill, via Kerang, be added to the clause

Ayes... ... ... ... 20
Noes... ... ... ... 45

Majority against the line... 25

Ayes,

Noes,
Mr. Langridge,  
" Laurens,  
" Levin,  
" McLean,  
" McLellan,  
" J. J. Madden,  
" Murray,  
" Officer,  
" Orkney,  
" Pearson,  
" Rees,  
" Reid,  
" Richardson,  

Dr. Rose,  
" Mr. Russell,  
" " Service,  
" " C. Smith,  
" " Stoughton,  
" " Toohey,  
" " Tucker,  
" " Walkerley,  
" " Wheeler,  
" " Tellers.  

Mr. A. T. Clark,  
" " D. M. Davies,  
" " Grant,  
" " Mirams,  

Mr. Wrixon,  
" " Robertson,  
" " " Berry,  
" " " Nimmo.  

Mr. Officer moved the addition to the clause of a sub-section authorizing—

"A railway commencing at Penshurst on the proposed Koroi to Dunkeld line of railway, and terminating at Hamilton, in the line and upon the lands described in the schedule hereto, to be called the Penshurst and Hamilton line."

He knew he would be met by the Minister of Railways with the statement that there was no money available for this line, and that, therefore, the proposal was inopportune; but when he saw in the Bill such a line as that from Burnley to Oakleigh—a line which could very well stand over for the present, because the people whom it would serve were already supplied with railways and omnibuses—he did not see why a portion of the "black" line should not also be included. That line had been before the country for twenty years; a portion of it had been constructed; but it would not pay properly until the whole was completed. The committee had already adopted a line from Koroi to Dunkeld, which was substantially the same as the line from Koroi to Glen Thompson included in the Bill of 1882. Now the evidence taken by the Legislative Council showed that the latter line was purely a potato line, and that at the most 10,000 tons of potatoes would be carried on it up country each year. It was also shown that very little wheat would be returned to the Koroi district, because the Koroi people stated that they already grew as much wheat as was required, and they only needed a little for mixing with their own, which was not sufficiently hard and dry. It was admitted that there would be no passenger traffic, and the carriage of produce would not be anything like sufficient to pay the interest on a line which would cost £140,000. The only chance of making the line pay was to construct a railway from Penshurst to Hamilton, which would bring in the population of Hamilton, Coleraine, and the Glenelg district, as it was intended to connect Coleraine with Hamilton. Between Penshurst and Hamilton there was also a considerable population of small farmers, and there was good country. Mr. Connor expressed the hope that the Government would favorably consider this proposal. He had urged on several occasions the construction of a line from Camperdown to Hamilton, which would be one of the main trunk lines of the colony. The line from Penshurst to Hamilton would...
form part of the original "black" line which ought to have been made long ago. It would pass through first-class grazing and agricultural land, and there was a large number of people settled along the route.

Mr. GILLIES regretted that he could not agree to the proposal. The western district had been neglected for a number of years, and he had endeavoured as far as he could to supply the wants of the district in the Bill. He did not see his way, however, to go further in that direction.

Mr. TOOHEY stated that he was opposed to the line. He thought that ample consideration had been shown to the Penshurst district.

The sub-section was negatived.

Mr. BENT observed that he did not wish to delay the business by moving that progress be reported, but, in view of the closeness of the recent division on the Kerang and Swan Hill line, he would ask the Minister of Railways whether the Government could not see their way to include that line in the Bill? He thought the Government would find that, if they agreed to this suggestion, they would get on very well with their Bill. It was well known that a number of honorable members who were in favour of the line voted against it because they thought that to vote for it would injure the Government. Under these circumstances, and seeing that the line was only defeated by a majority of two, he thought it would be a graceful thing for the Government to insert the line in the Bill. He intended to give notice of bringing forward the line again when the Bill was recommitted, but he would not take that course if the Government would accept the suggestion, which he made in the most friendly spirit. He would not even ask for an answer now, but would merely suggest that the Government should consider the matter before next Wednesday. The line was only 34 miles and a few links in length, and could be constructed for £110,000 or £120,000, and he thought that, by knocking off the fencing in the sparsely populated districts, the Government might save this amount. If the Ministry would not accept his suggestion, he would submit the line again when the Bill was recommitted, but he hoped it would be unnecessary to do so. There was no doubt that the Minister of Railways had fought well for his district, and the committee would now take the responsibility of the line off his shoulders.

Mr. REES said the honorable member for Brighton was recommending a course which would be unfair to all other members who had given notice of railway proposals. If an important line like the Kerang and Swan Hill line was omitted from the present Bill, there was sure to be another Railway Bill in a few years, and then the lines other honorable members were asking for would have an opportunity of being carried out.

Mr. MASON regretted that, owing to urgent private business, he was unable to be present when the division on the Kerang and Swan Hill line was taken. He arrived just after the doors were locked, and it was his intention to vote for the line. He hoped the Government would agree to the suggestion of the honorable member for Brighton, and accede to what he believed to be the wish of the majority of the committee.

Dr. QUICK stated that he was astounded by the result of the division on the Kerang and Swan Hill line, as he was under the impression, from representations made to him, that there was a sufficient number of members prepared to vote for the line to place its being carried beyond all doubt. In fact, he was induced to cut short his remarks on the subject from being told that the line was perfectly secure. Considering the closeness of the division, he would appeal to the liberal members of the Government to reconsider the matter. (Mr. Kerferd—"We are all liberals.") If the Government were all liberals, then he would appeal to the whole of the Government to agree to the suggestion of the honorable member for Brighton and include this line in the Bill.

Mr. FINCHAM observed that several honorable members voted against the Kerang and Swan Hill line simply on account of their being supporters of the Government, and not on the merits of the case. For example, Ballarat on this occasion had been divided against itself, and it was not a good thing for Ballarat to be divided. It was only a fair appeal to the generosity of the Government to ask that they should give honorable members another opportunity of considering whether they would not vote the other way. He was quite sure that the honorable member for Creswick (Mr. Richardson) must have voted under a misapprehension, because, if the votes of the people of Creswick were taken on the subject, there was no doubt that nine out of ten of them would be for the line. The Kerang and Swan Hill line was so all-important that, even if it was necessary to increase the proposed loan to construct it, the increase would be perfectly justifiable.
Mr. RICHARDSON remarked that it was amusing to hear the lecture which had been given to honorable members who had voted for the people of the country. Certain honorable members, having entered into a compact to carry the Kerang and Swan Hill line, found themselves defeated, and they did not take their defeat gracefully. He hoped the Government would not accede to the suggestion which had been made to them. There was no reason for believing that honorable members who voted against the line would change their votes if it was again submitted. But if the Government allowed the proposition to be submitted again, with the view of having it carried, he (Mr. Richardson) would certainly vote against them. (Mr. Burrowes—"They cannot prevent it from being brought forward again.") Honorable members were seeking to bring a pressure to bear on the Government, which they could not do with their votes, to get them to consent to this line. If the Government were compelled to yield to the votes of the committee, of course they would have to do so, but they certainly ought not to consent to the request of the honorable member for Brighton.

Lt.-Col. SMITH said the honorable member for Creswick (Mr. Richardson) complained of being lectured, but he imagined that, if there was one honorable member who took up the position of lecturer-general, it was the honorable member for Creswick. He lectured the Minister of Lands for weeks together on the Land Bill, and the honorable member was not even content with lecturing—he told the Government what they were to do, and they had to do it. The honorable member had got a line for his own district, and what he (Lt.-Col. Smith) complained of was that, when honorable members got their own wants supplied, they pooh-poohed the claims of districts which had been left out in the cold. If he were to do such a thing, he would feel himself very mean indeed. The honorable member for Creswick knew perfectly well that there was no party question about a railway line. The honorable member had allowed lines to pass without a word which were infinitely inferior to the Kerang and Swan Hill line, and then he coolly voted against a line which was of national importance. If the farmers of Creswick were consulted on this question, he ventured to say that 99 out of every 100 of them would vote for the Boort to Kerang and Swan Hill line. He had been supplied by the honorable member for Maldon with letters from the municipal councils of Clunes and Creswick which showed what the opinion of the district was on the subject. Each of those councils had passed resolutions approving of both the Boort and Swan Hill extensions, and requesting the representatives of the district in Parliament to support them. The settlement around Boort, and from Boort almost to Kerang, had been carried out chiefly by men from the Ballarat, Creswick, and Grenville districts. But the representations of his constituents were small matters to an honorable member who could dictate to Ministers. According to the statement of the honorable member for Brighton, the people at Swan Hill had now to travel 400 miles in order to get to Ballarat, whereas the construction of the line from Boort to Kerang and Swan Hill would enable them to reach Ballarat by 200 miles less. Yet the honorable member for Creswick voted against this line, and then talked about voting for the country! He (Lt.-Col. Smith) hoped the Government would not put honorable members to the necessity of having another test vote on the Swan Hill line, but, seeing that the committee were equally divided, would give way on the question.

Mr. A. HARRIS proposed the following sub-section:

"A railway commencing at a point on the main Gippsland line, and terminating in the township of Walhalla, in the line and upon the lands described in the schedule hereto, to be called the North Gippsland and Walhalla Railway."

He regretted to be under the necessity of moving for the construction of this line, as he had hoped that the Minister of Railways would see his way to include it in the Bill. The line would be 27 miles long, and it was not open to the objections which the Minister had taken to other lines which had been proposed. It had been agitated for a long time, and the honorable member for Brighton, when Minister of Railways, promised that it would be constructed. Subsequently a deputation waited upon the present Minister, and submitted a memorial setting forth the reasons why the line ought to be constructed. The township of Walhalla was situated about 180 miles from Melbourne. The nearest railways were 22 miles distant on one side, and 25 miles on the other. It might be fancied that Walhalla was solely a mining township, and that, therefore, a railway should not be constructed to it, but the line would pass through the finest class of soil in the colony. In the district which it would traverse there were 84,000 acres of rich chocolate soil. Of that area 4,000 acres were already selected, and the remainder would be taken up as
soon as there were means provided for getting produce to market. Those 80,000 acres would be sufficient to settle between 200 and 300 selectors, if each of them took up the maximum area of 320 acres. This fact alone was sufficient to justify the construction of the line. Eleven miles beyond Moondarra was the township of Walhalla— one of the most important mining townships in the colony—and beyond Walhalla there were several other townships, namely, Jericho, Aberfeldie, Donnelly's Creek, and Toombon. The population of Walhalla was about 1,800, but, including the population of the other townships, altogether about 4,000 persons would be accommodated by the proposed railway, exclusive of the residents in the Moondarra district. He had been a resident of Walhalla for over twenty years, and during that period there had been about £2,500,000 worth of gold exported from that place. As far as the average yield of gold per ton was concerned, the district stood at the top of the tree, and Walhalla was fourth on the list of gold-producing townships. The post-office there was the third post-office in Gippsland in regard to paying capabilities, and the post and telegraph business together was the largest that was transacted in any part of Gippsland in proportion to the population. Was it right that a population of 4,000 persons, in addition to the population of the Moondarra district, should be compelled any longer to endure the hardships and inconvenience which they had suffered for many years past in consequence of the want of railway communication? It might be said that Gippsland was, on the whole, very fairly treated in the Bill; but certainly no more lines were proposed to be constructed there than the importance of the district deserved, and, moreover, the Gippsland lines included in the measure were altogether in different directions from the portion of the country which the Walhalla line was intended to serve. As he remarked the other night, the Government ought to afford Parliament an opportunity of considering the desirability of constructing narrow-gauge lines in this and other localities of a similar description. The people of Walhalla had no objection to any class of railroad which the Government might choose to make if trains could be run on it at a speed of ten or twelve miles an hour. It would, however, certainly be unjust to continue to keep the township excluded from the benefits of railway communication. There were thousands of tons of quartz at Walhalla, which at present could not be utilized, that would be turned to good account if there was a railway to the township. About 35,000 tons of firewood per annum were used for mining purposes, and the immediate locality had to a great extent become denuded of timber, so that it was necessary to obtain a supply from other places, and a railway was wanted to give facilities for that purpose. Twelve miles of tramway had been constructed by private enterprise at Walhalla, and the mining affairs of the district were looking more prosperous at the present time than they had been for years past. He was a shareholder in a company that was building a pendent railway three-quarters of a mile long on Captain Wagemann's principle. It would cost about £1,500, and was being constructed with the view of carrying quartz to a mill which the shareholders had recently purchased in the locality. Considering the importance of Walhalla, the enterprise of the district, and the vast amount of settlement which railway communication would promote in the eleven miles between Moondarra and Walhalla, he submitted that the claims of the proposed line were not exceeded by those of any line contained in the Bill, and he hoped that the Government would give the line the consideration which its importance demanded.

Mr. McLEAN remarked that there could be no doubt that the Walhalla line had a very strong claim on its individual merits, and he thought that his honorable colleague in the representation of North Gippsland had made out an exceedingly good case for it. The population which it would serve was about 4,000, and the production and consumption of such a population must necessarily be very large. Both would, of course, be increased if the people in the district had facilities for getting produce to and from Melbourne at reasonable rates. Many mines in the neighbourhood of Walhalla were left unworked in consequence of the great expense of conveying mining machinery there. The carriage was far more than the original value of the machinery in Melbourne. This was a great drawback to the mining interest. If machinery could be got there at a reasonable price, many mines that were now lying idle would be profitably worked. The construction of the line would undoubtedly promote settlement. There was also a large quantity of very valuable timber in the district of Moondarra, which would afford a considerable source of revenue to the railway. The people of the locality would be satisfied with any kind of line—broad gauge or narrow gauge. He believed

Mr. A. Harris.
that the line would pay interest on its cost and working expenses from the date of its construction. The passenger traffic would be very large, and the line would no doubt be an important feeder to the main trunk railway, for if every man in the district came to the metropolis only once a year a substantial revenue would be derived from that source.

Mr. A. HARRIS stated that he had forgotten to mention that statistics were in possession of the Railway department clearly showing that the passenger and goods traffic which might fairly be anticipated would be sufficient to make the line, from the outset, pay working expenses and interest on the cost of its construction.

Mr. GILLIES said that several surveys had been made to Walhalla from various points on the main Gippsland Railway, and each proved that the country was very difficult. He believed that another route had been suggested by a local gentleman—a route up the valley of the Thomson River—but, of course, it would require to be examined before any definite opinion could be expressed as to its merits. The department probably would shortly be in a position to examine it. If there was any district in the colony where the Government would be justified in trying an experiment on the narrow-gauge system, no doubt it was the Walhalla district. He acknowledged that the claims of that district to railway communication were entitled to the consideration of the Government and of Parliament, but, until he was in possession of all the information that could be obtained, he would not be in a position to express any positive opinion as to the best course to be adopted. (Mr. A. Harris—" Will you obtain the information?") He would be very happy to do so.

Mr. RICHARDSON expressed the opinion that the Railway department would have to take into consideration the question of adopting some system for the purpose of giving railway communication to mountainous parts of the country like the Walhalla district. It was a very important matter, and deserved serious consideration. He hoped that the department would be able to initiate some kind of railways for such districts quite apart from the present system.

Mr. JAMES thought that the Government and Parliament should be particularly careful in regard to any proposal for breaking the present railway gauge. (Mr. Gillies—"There is no intention to break the gauge with reference to any of the present lines.") It might look a very popular and tempting thing to lay down narrow-gauge lines because they were cheap, but if the gauge was broken, even in regard to branch lines, it would necessitate a change of rolling-stock. Instead of the trucks being run right to their destination the goods would have to be transferred to other trucks when they reached the main lines, and that, of course, meant extra expense.

Mr. WALKER urged that it was very desirable that the Government should obtain the opinions of the professional officers of the Railway department as to the advisability of introducing the narrow-gauge system for the construction of lines in the mountainous districts of the country. In reply to the remarks of the honorable member for Ballarat East (Mr. James), he might mention that there were means of surmounting the difficulty of transferring goods from narrow to broad-gauge railways without unloading the trucks. The bodies of trucks used for narrow-gauge lines could be lifted from the axles by a crane, and placed crossways on broad-gauge trucks. The advantage of narrow-gauge railways for mountainous districts was so great that he hoped the Government would consider the propriety of adopting it; indeed, there were many parts of the country which could not be reached by any other system.

The sub-section was negatived without a division.

Mr. CAMERON proposed that the following sub-section be added to the clause:

"A railway commencing at a point on the proposed railway from Lilydale to Healesville, and terminating at or near the township of Wandin Yallock, in the line and upon the lands described in the schedule hereto, to be called the Lilydale and Wandin Yallock Railway."

He had not asked a single member to vote for this line, and all that he desired was that the committee would deal with it on its merits. The line would be only six or seven miles in length, and its cost would probably not exceed £25,000. It was an extension of the Lilydale Railway in the direction of the Upper Yarra, and it would serve 550 selectors, holding 50,000 acres of land. These selectors were a very deserving class of people. Many of them had been located in the district for fifteen years, and a great deal of their land had cost on an average £10 an acre to clear. The line would bring the residents of the Upper Goulburn 80 miles nearer Melbourne than they were if they came by way of the North-Eastern Railway. It would also open up
the largest forest in Victoria, and make from 80,000 to 100,000 acres of land available for settlement. It would likewise give tourists facilities for access to one of the most picturesque, delightful, and healthy resorts in the colony. As an indication of the traffic that the line was likely to obtain, he might mention that the present traffic on the Lilydale Railway necessitated three trains a day even during the winter season, and he was informed by the Railway Commissioners that an additional train would have to be put on during the summer. If the proposal to construct a line to Wandin Yallock was dealt with on its merits, he was quite sure that it would be adopted by the committee.

Mr. BOWMAN considered that the honorable member for Evelyn had made out a very strong case, and that it was the duty of the committee to place the line in the Bill.

Mr. STAUGHTON observed that the honorable member for Evelyn deserved credit for not having solicited support, but left the committee to deal with the proposal entirely on its merits. Honorable members were, therefore, quite free to give a calm and dispassionate vote, and he (Mr. Staughton) thought that the line deserved support.

Mr. GILLIES said no doubt there was a great deal to be said in favour of this line, as there was of many other lines, but he could not consent to it being included in the Bill. An extension from Lilydale to Healesville was provided for in the measure, and when that line was made the portion of the country whose claims were advocated by the honorable member for Evelyn would be pretty well provided for. When an extension in the direction now suggested by the honorable member was made, it would have to go at least double the distance that the honorable member proposed, in order to be effective; but it would be some time before such an extension would be justified.

Mr. GAUNSON considered that, in comparison with this line, the line from Tatura to Echuca was really discreditable. He hoped that the proposal of the honorable member for Evelyn would be carried.

The sub-section was negatived without a division.

Mr. SHACKELL proposed that the following sub-section be added to the clause:

"A railway commencing on the Melbourne and Echuca Railway at or near the Elmore railway station, and terminating at or near the Heathcote railway station, on the proposed railway from Wandong to Sandhurst, in the line and upon the lands described in the schedule hereto, to be called the Elmore and Heathcote Railway."

He said that this line was fully discussed two years ago, and it was then lost by only one vote. It would be one of the most useful and serviceable lines in the colony. It would shorten the railway journey from Melbourne to Echuca by 32 miles, and tend to secure to Victoria the trade of Riverina. He had very little hope that the line would be carried, as the Government had determined to oppose any further additions to the list; but he was convinced that it was a line which would have to be constructed sooner or later. He believed that another Railway Bill would be introduced within the next three years.

Mr. MOORE stated that he intended to support the proposal, although the honorable member for Rodney (Mr. Shackell) had not dealt very generously with him. He admitted that the line would pass through a good class of country, but, at the same time, he doubted whether the Elmore people wanted the line at all. As, however, it touched his (Mr. Moore's) district, he felt bound to support it.

Mr. McCOLL remarked that he supported the line when it was formerly proposed, and he would do so on this occasion, notwithstanding that the honorable member for Rodney (Mr. Shackell) had voted against the Swan Hill line.

Mr. BOWMAN said he supported the Heathcote line in 1882, and he would vote for it now if the question was pressed to a division.

The committee divided on the question that the sub-section be added to the clause—

<table>
<thead>
<tr>
<th>AYES</th>
<th>NOES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Anderson</td>
<td>Mr. Graham</td>
</tr>
<tr>
<td>Mr. Baker</td>
<td>Mr. Graves</td>
</tr>
<tr>
<td>Mr. Bent</td>
<td>Mr. Hall</td>
</tr>
<tr>
<td>Mr. Billson</td>
<td>Mr. Harper</td>
</tr>
<tr>
<td>Mr. Bosisto</td>
<td>A. Harris</td>
</tr>
<tr>
<td>Mr. Burrows</td>
<td>J. Harris</td>
</tr>
<tr>
<td>Mr. Cameron</td>
<td>Hunt</td>
</tr>
<tr>
<td>Mr. Connor</td>
<td>James</td>
</tr>
<tr>
<td>Mr. D. M. Davies</td>
<td>Kerford</td>
</tr>
<tr>
<td>Mr. Deskin</td>
<td>Keys</td>
</tr>
<tr>
<td>Mr. Finchau</td>
<td>Langdon</td>
</tr>
<tr>
<td>Mr. Fink</td>
<td>Langridge</td>
</tr>
<tr>
<td>Mr. Gaunson</td>
<td>Laurens</td>
</tr>
<tr>
<td>Mr. Gibb</td>
<td>Levien</td>
</tr>
<tr>
<td>Mr. Gillies</td>
<td>McLuttre</td>
</tr>
<tr>
<td>Mr. Moore</td>
<td>Teller</td>
</tr>
</tbody>
</table>

Majority against the line... 45
Mr. McLean, Mr. Russell,  
" McLellan, " Service,  
" J. J. Madden, " Staughton,  
" W. Madden, " Toohay,  
" Mason, " Uren,  
" Murray, " Wallace,  
" Orkley, " Wheeler,  
Dr. Quick, " ZoX,  
Mr. Rees, Mr. Walker,  
" Heid,  
" Dr. Rose, " A. Young.

Mr. BENT asked whether, four of the supporters of the Government having run away from them, they would not consent to reconsider their position? In any case, would it not be wise for them to let progress be reported?

Mr. SERVICE said the cheerful compliances of the opposition members during the late division convinced him that they were delighted at being able to support the Government. Under these circumstances, the best plan would be to put the Bill through committee before the sitting ended.

Mr. GAUNSON thought that, in view of the very unfair way in which the Minister of Railways had just been forced to go against his own district, it would be best to proceed with the Bill. Ho (Mr. Gaunson) actually declined to vote for the line to Elmore, and so to keep his promise to support every new railway proposed, simply because the honorable gentleman was being placed in a false position.

Mr. MASON proposed the following sub-section:—

"A railway commencing on the Mirboo Railway, at or near the proposed railway station at Mirboo, and terminating in the parish of Mirboo, in the line and upon the lands described in the schedule hereto, to be called the Mirboo Railway."

He said his proposition was simply to fix the Mirboo station in its proper spot. At present it was on the top of a hill, and almost unapproachable from the good land of the district, and in consequence the Mirboo selectors were placed in an embarrassing position. The Minister of Railways would doubtless state that a considerable number of allotments near the station had been recently sold by the Government, but that circumstance ought not to count for much, because no one could possibly suppose that the line would not be carried beyond Mirboo, and in any case the interests of selectors ought to be studied before those of speculators.

Mr. GILLIES stated that he was bound to oppose the proposition for a number of reasons. In the first place, he had no evidence that the Mirboo selectors were anxious to have the site of the station altered. A number of them waited upon him very recently with respect to matters connected with the Mirboo line, but they never spoke a syllable about wanting the station moved further on. Upon the whole, the application now made was indecent. The Government had been induced, at the request of the inhabitants concerned, to sell a township near the station, and because some half-dozen persons failed to secure allotments they wanted the railway carried a mile or so further on, and another township sold there. It would be a gross piece of injustice if the Government did anything of the kind.

Mr. GAUNSON remarked that he had some friends at Mirboo, and he believed the extension asked for was necessary. No doubt a number of Melbourne speculators had snapped up the allotments the Minister of Railways referred to. It was not to be supposed that the honorable member for South Gippsland would deliberately sacrifice votes by advocating a railway extension to suit only some half-dozen of the Mirboo inhabitants at the expense of the rest.

Mr. LAURENS stated that the extension asked for was a very small one, but it would be very advantageous, and he thought it in every way worthy the consideration of the Government.

The sub-section was negatived.

Mr. MASON said he had given notice of two other sub-sections, one for an extension of the line from Warragul to Neerim, and the other for a line from Traralgon to Callignee, but there was not the slightest hope of carrying them; and, therefore, inasmuch as he did not wish to be a party to a farce, he would not propose them.

Mr. REES remarked that he would follow the same plan with respect to his proposal for a line from Lara to Beremboke vid Anakie. A large number of deserving farmers greatly needed the accommodation such a railway would afford, and it would pay exceedingly well; but he had no hope of carrying it in connexion with the present Bill. He did not blame the Government for this state of things, because he did not see how they could help it.

Mr. YEO observed that, for the reasons just alleged, he would refrain from pressing his proposal for a line from Koondarook to Kerang.

Mr. MURRAY stated that, upon similar grounds, he would not take up the time of the committee by expatiating on the merits of the proposal for a line from Allanford to Nirranda, of which he had given notice. He once had an idea of pressing it to a division,
because he thought the line would probably lead to a great coal-field in the western district; but, from a conversation he had with his namesake of the Mining department, he gathered that, overlaying the carboniferous rocks in the locality in question, there were a few thousand feet of other strata, which nature, in an erratic and eruptive mood, had capsized on the top.

Mr. GIBB proposed the following sub-section:

"A railway commencing at or near the Beaconsfield railway station, and terminating at or near Gembrook, in the line and upon lands described in the schedule hereto, to be known as the Beaconsfield and Gembrook Railway."

He said this was one of the lines the Minister of Railways almost apologized for not including in his Bill, his grounds for the omission being that the engineers said it was impossible to get at the good country beyond Beaconsfield. In fact, it was the great blot of the Bill that it omitted to provide for the construction of light lines to the mountainous parts of the colony. He believed that the House would have been unanimous in voting £1,000,000 for the purpose of opening up those districts, in the only way they could be opened up, had the Government proposed any plan of the kind.

As for Beaconsfield, it had been principally taken up, for the purpose of summer residences, by persons who had expended very large sums of money in beautifying their property. He hoped that the Government would soon bring down another Railway Bill containing proposals for the construction of lines like the one he wanted for Beaconsfield, or rather Gembrook, namely, not one costing £7,000 or £8,000 per mile, like many of the lines in the present Bill, but one costing about £1,500 per mile, which would be amply sufficient, and with which the districts to be accommodated would be perfectly satisfied. Such lines were constructed in other countries, but the engineers of this colony set their minds against them. He was satisfied that Mornington would never be opened up until a principle of light-railway construction was adopted for the purpose.

Mr. BOSISTO said he had known the country the proposed line would open up for twenty years past, and unless something was done in the way of giving it a lightly-constructed railway it would remain without the means of ingress or egress. He was not now speaking so much of Beaconsfield, which was simply a sanatorium, but of the district beyond, namely, Gembrook, a fine, well-timbered, and fertile agricultural locality, which was at present only accessible by bush roads. In consequence, the inhabitants had no means of carrying their produce to market. Indeed, so completely was the locality shut in that there were young people there, fifteen years of age, who had never seen Melbourne. It was absolutely necessary that light lines should be carried to the mountainous parts of the colony, and to say that such lines would not answer was simply useless. For himself, he was astounded, during his journeys in India, at what was done there in the way of light lines to the hills. For instance, he travelled on one 2ft. gauge line the level of which rose 7,400 feet in the course of 45 miles. The locomotives weighed only from seven to ten tons, and everything in connexion with the railway worked with the greatest ease.

Mr. ZOX remarked that he heartily supported the proposal, and earnestly hoped the Government would adopt it.

Mr. STAUGHTON suggested that the Government would save sufficient money to make a line to Gembrook by starting the Great Southern Railway from Pakenham instead of from Dandenong.

Mr. GILLIES asked if the idea just put forward came from the honorable member for Mornington, because if it did something in the way of an additional line—a line to Beaconsfield or to Mornington—might possibly be accomplished? (Mr. Staughton—"It did not.") In view of the position the Government had been compelled to take up in rejecting so many country lines, which were required to satisfy large centres of population, they could hardly be justified in accepting the present proposal. No doubt, if there was to be any departure from the ordinary method of railway construction, a line to Beaconsfield would be one of the first to be undertaken upon the new principle. (An Honorable Member—"When will such a departure be made?") He could not say more than that the Railway department was busy supplying itself with information on the subject. He had heard a great deal about the advantages of light lines, and the ease with which they could be worked, but the misfortune was that when he asked any competent man whether he was prepared to take any responsibility in connexion with the construction of one, he could get no satisfactory answer.

Mr. BENT said the Gembrook country was so good that it was not uncommon to find a person there getting a good living from a twenty-acre selection. Surely the
Government had now a splendid opportunity of trying light-line construction. He was acquainted with persons who would undertake such work at the rate of £1,500 per mile. (Mr. Gillies—"Send them to me.") That was not his way.

Mr. J. HARRIS considered that the Government would do well to make a line to Beaconsfield now, and a few years hence carry it on to Gembrook.

Mr. CAMERON stated that he knew the country along the whole route of the proposed line, and, in consequence, he heartily supported the proposal to construct it. He would, however, be no party to its stopping short at Beaconsfield. At Gembrook, there were many persons who had spent as much as £10 per acre in clearing their land.

The sub-section was negatived.

Mr. UREN proposed a sub-section providing for the construction of a railway from Ballarat to Lintons. He observed that the line would carry the produce of the western district into the centre of the goldfields, and he could produce ample evidence that it would pay a fair percentage.

Mr. CONNOR said he was informed that there were very few people on the route of the line. If it was a line from Camperdown to Hamilton he would support it.

Mr. RICHARDSON remarked that there were lines in the Bill less worthy of support than this line; but, in view of the decision of the Government not to include any more lines in the Bill, he would ask the honorable member for Ripon to withdraw his proposal.

The sub-section was withdrawn.

Clause 3, as amended, was agreed to.

Progress was then reported.

The House adjourned at twenty-two minutes past eleven o'clock, until Wednesday, November 5.

---

**LEGISLATIVE ASSEMBLY.**

**Wednesday, November 5, 1884.**


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

SNOWY RIVER.

Mr. HALL asked the Premier if his attention had been called to the appointment, in New South Wales, of a Royal commission who had under consideration a scheme to divert the head waters of the Snowy River, and to retain the whole body of water for the use of that colony; and also if objection should not be taken to New South Wales interfering with a river whose outlet was in Victorian territory?

Mr. SERVICE said he was making inquiries as to the matter referred to by the honorable member.

PETITIONS.

Petitions were presented by Mr. Duffy, from residents of the north-eastern and Goulburn Valley districts, in favour of the proposed railway to Sandhurst, *v.t* Heathcote, commencing at Seymour instead of Wandoon; by Mr. Cooper, from the Clunes Coursing Club, against the proposed tax of £1 per head on greyhounds; by Mr. Wrixon, from the Bishop of Melbourne, and the clergy and laity of the Church of England in the diocese of Melbourne, praying that steps might be taken to prevent the full publication of Divorce Court proceedings in the daily newspapers; by Mr. Baker, from the Mine-owners' Association of Victoria, in favour of the amendments made by the Legislative Council on the Assembly's amendments in the Mining on Private Property Bill; and by Mr. Bossro, from residents of Richmond, and by Sir C. MacMahon, from residents of West Melbourne, in favour of the continuation of the grocers' (single-bottle) licence.

**LICENSING (PUBLIC-HOUSES) ACT.**

Mr. GAUNSON asked the Chief Secretary whether it was intended to introduce the Bill to amend the Licensing Act this session?

Mr. BERRY replied that it was quite impossible for him to say, at present, whether the Licensing Bill would be introduced this session.

**PRIVATE MEMBERS' BUSINESS.**

Mr. SHACKELL called attention to the fact that there were 28 motions standing on the notice-paper in the names of private members, and asked the Premier if he would set apart a night for their discussion before the end of the session?

Mr. SERVICE stated that he would endeavour, before the close of the session, to
afford an opportunity for the consideration of some of the more important motions of which notice had been given by private members.

MELBOURNE TRAMWAY COMPANY'S ADDITIONAL BRANCHES BILL.

Mr. LAURENS (in the absence of Mr. Zox) brought up the second report from the select committee on this Bill.

The report was ordered to lie on the table.

ART UNIONS.

Mr. BILLSON called the Chief Secretary's attention to an advertisement in the Argus newspaper of the previous Saturday containing the following announcement:

"Grand Art Union to aid in building a residence for the Very Rev. Prior Butler and the Carmelite Fathers at Port Melbourne. First prize, an allotment of land at St. Kilda, value £500. Second prize, an allotment of land at Canterbury-park, value £150. Third prize, an allotment of land at Sunbury, value £75. The winner of any of the prizes can have the title deeds of the land free, or the estimated value in cash. Tickets, 2s. 6d. each."

It seemed to him that the "art union" referred to in this advertisement was a form of gambling similar to that which the Legislature intended to put a stop to by the Act which it passed last session to prevent "sweeps" in connexion with horse races. He did not see why an exception should be made in favour of a religious body. The law ought to be strictly enforced. If it was permitted to be infringed in one case, it was impossible to tell to what extent it might ultimately be allowed to be violated.

Mr. BERRY said that his attention had not previously been called to this advertisement, but he would look into the matter, and, if necessary, obtain the opinion of the Attorney-General as to the legality of the proposed art union. If it was not legal, he would have it stopped.

STUMP-JUMPING PLOUGH.

Mr. BAKER asked the Minister of Customs whether, in view of the great advantage that the stump-jumping plough would be to the holders of the mallee country, in helping to permanently settle the Crown tenants on the said land, he would allow that implement to be admitted into Victoria duty free, or purchase the patent right in Victoria for the benefit of the colony?

Mr. LANGRIDGE stated that all imported agricultural implements, with the exception of reapers and binders, were liable to 20 per cent. duty. He held in his hand a circular showing that a firm at Tarnagulla were manufacturing stump-jumping ploughs, and they appeared to be giving general satisfaction to the purchasers. They were made expressly for the mallee country.

COLLEGES OF AGRICULTURE BILL.

Mr. LEVIEEN presented a message from His Excellency the Governor, recommending an appropriation of rents for the purposes of a Bill to provide for the establishment of colleges of agriculture and for other purposes.

The message was ordered to be taken into consideration next day.

PUBLIC SERVICE.

Mr. MIRAMS asked the Premier when the return ordered some time ago relating to appointments and promotions in the public service would be presented?

Mr. SERVICE replied that the return had just been completed, and would be laid on the table of the House in a day or two. The information with respect to all the departments except the Railway department was ready a month ago.

GOVERNOR'S BALL.

Mr. MIRAMS asked the Premier if it was intended that the House should sit after the refreshment hour? Many honorable members desired to attend a ball to be given by the Governor that evening, and as the House had adjourned over the previous day, in consequence of the races, he thought that it could very well afford to adjourn for such an event as a Governor's ball.

Mr. SERVICE remarked that it would be exceedingly ungracious for the Government to propose that the House should adjourn on a night which was set apart, after nine o'clock, for private members' business. Moreover, he thought that the fact that the House did not sit the previous day was a strong reason why it should not adjourn that evening before the usual hour.

RAILWAY CONSTRUCTION BILL.

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

Mr. GILLIES moved that clause 4, relating to the Murray-bridge Railway, be struck out, as provision was made in another clause for the money required for the line.

The clause was struck out.
On clause 5, authorizing the Railway Commissioners to enter upon and use certain lands for the purpose of providing additional railway station accommodation in the city of Melbourne,

Mr. GILLIES said that the Railway department could not come to an arrangement with the Melbourne City Council as to the terms upon which the department should take possession of the land referred to in the clause, but very likely an agreement would be arrived at long before the land was required. Under the circumstances, he begged to move that the clause be struck out.

Mr. GAUNSON asked if the clause affected the raising of the St. Kilda and Sandridge lines?

Mr. GILLIES replied in the negative. The clause was struck out.

On clause 6, giving the Railway Commissioners power to make additional platforms, sidings, and various other works in connexion with any line of railway already constructed or authorized, and also empowering them, for any of such purposes, to "enter upon, take, and use all or any of the lands situated within a distance of 300 feet from either side of the said lines of railway."

Mr. BENT objected to the Government having power to take possession of any land within a distance of 300 feet on either side of any line of railway, and pull down any buildings that there might be on the land.

He moved that "132" be substituted for "300."

Mr. GILLIES accepted the amendment. Mr. MACKAY asked for some explanation why "300" feet was contained in the clause, and why the Minister consented to the distance being reduced to "132" feet immediately that an amendment was proposed?

Mr. GILLIES stated that a similar clause was in the Railway Construction Bill of 1882, and was agreed to by both Houses. It was inserted because the Railway department frequently found difficulty in purchasing small pieces of land for sidings or other railway works on existing lines outside the land marked on the original plans. Perhaps a strip of land half-a-chain wide might be wanted for station purposes, and it might be impossible for the department to purchase it without getting a special Act of Parliament passed to enable it to do so. It was thought necessary to take general powers, as contained in the clause, in order to meet difficulties of that kind; and, inasmuch as no money could be expended in purchasing any land under the authority of those general powers until it was voted by the Assembly, he did not think there was any reason why the clause should be objected to. As, however, it would be a great concession to have power to purchase land even to the extent of 132 feet on either side of a railway, he was willing to accept the amendment of the honorable member for Brighton.

The amendment was agreed to.

On the motion of Mr. GILLIES, clause 8 was amended so as to read as follows:—

"The expenditure for the construction of the said country lines of railways, including stations, but not including permanent-way material or rolling-stock, shall be restricted to an average over the whole of such country lines of £3,960 per mile."

Discussion took place on clause 9, authorizing, inter alia, certain expenditure on the suburban railways provided for in clause 3.

On the motion of Mr. GILLIES, the first portion of the clause was amended so as to read as follows:—

"The expenditure for the construction of the said suburban lines of railways, including stations and permanent-way material, but not including rolling-stock, shall be restricted to an average over the whole of such suburban lines of £14,924 per mile."

Mr. WOODS moved the omission of the portion of the clause providing for an expenditure not exceeding £78,000 on the construction of the Flinders-street Viaduct Railway. He said it seemed to him that this railway was an entirely unnecessary work. Not only was it unnecessary, but it would be very dangerous. At one time it was considered essential, but that was under a wholly different set of circumstances. At that time it was proposed to divert the Yarra, taking it a little further to the south, and to make use of the space thus obtained for enlarging the Flinders-street station. The idea of extending the Flinders-street station, and making it a kind of central station for the metropolis, was then a very proper one; but at that time there was no thought of making the "outer circle" line. The "Outer Circle" Railway, however, was now going to be constructed, and, that being the case, what was the object of the proposed Viaduct Railway? There was not sufficient space at the Flinders-street station for the present traffic, and, if that traffic was largely increased, there would be no end of accidents, unless the Yarra was diverted, as was contemplated in connexion with the original scheme. If that was done, there would be space obtained to increase the station so as to provide for the Gippsland and all the
eastern traffic in addition to the other traffic. Not only had the passengers to be accommodated, but there must be room for working the trains. Did honorable members intend that all the trains which came from the country districts to Spencer-street should be run to Flinders-street, and right on to Brighton? ("No.") If not, where were they to be cut up? Were they to be cut up at Flinders-street? There was not room at Flinders-street to cut them up. They could be cut up at the Spencer-street station, but not at the Flinders-street station. Supposing the engines were changed at Flinders-street, were the carriages to be run on to Brighton? Was there any project to run the Williamstown or Essendon carriages to Brighton, or vice versa? The scheme would not work; and every shilling spent on the proposed Viaduct Railway would be money thrown away. The Government, in fact, were refusing to construct lines that were wanted in order that they might have money to make a line which was not wanted. Why should the enormous sum of £78,000 be expended to carry passengers the short distance between the Spencer-street and Flinders-street stations? The line would not only be costly, but, as he had already said, it would be fraught with danger; and it was rendered absolutely unnecessary by the "outer circle" Railway having been authorized. The whole of the Gippsland traffic to and from Spencer-street would go by the "outer circle" line. Boiled down, the proposal meant that the Viaduct Railway was to be constructed in order that a few passengers might be carried from Essendon and one or two other places to Flinders-street or Brighton without having to break their journey at Spencer-street. Was the game worth the candle? Was it worth spending £78,000, besides the cost of maintaining the viaduct, upon achieving such an object, even supposing, which he denied, that there was room in the Flinders-street station to accommodate the additional trains? He said it was not. Again, when this proposal was before the House in 1878 or 1879, designs were made and estimates were prepared, and the whole of the estimated cost of the work at that time was only £60,000. (Mr. Gillies—"£65,600, according to the estimates signed by Mr. R. G. Ford.") Well, the cost had now got up from £65,000 to £73,000. He would ask why this proposal appeared in the Bill at all? No one wanted it. The existing tramway would do for the interchange of rolling-stock, and the Gippsland traffic, which now went over the line, would go over the "outer circle" line when it was completed. He would ask the committee to pause before agreeing to such a large expenditure for a piece of work which would be a constant source of danger and cost, and which would be useless, inasmuch as the Flinders-street station could not accommodate the additional traffic. The station was as full as it could be worked already, and, indeed, it was only the excellence of the employees which prevented a smash. It should be remembered, also, that the suburbs on the Oakleigh, Hawthorn, and Camberwell lines were growing in population, and there was to be a line to Glen Iris. There was an eminent railway engineer, Mr. Jeffreys, now visiting Melbourne, and he (Mr. Woods) would suggest that the Minister of Railways should ask that gentleman's opinion as to whether the station would be capable of accommodating the additional traffic which would be caused by the construction of this viaduct. (Mr. Gillies—"This is not submitted from an engineering point of view at all.") It was a question of railway engineering whether the station would accommodate the traffic or not, and that was the only thing he asked the Minister of Railways to submit to the engineer to whom he referred. Would the Minister of Railways ask Mr. Jeffreys whether the station, as it now stood, would accommodate the additional traffic, or whether, seeing how the department were trammelled for land, it could even be made fit, by any alteration of the lines, to accommodate the whole of this traffic? (Mr. Gillies—"It is not possible.") If it was not possible, why go on with this proposal? He would again remind the honorable gentleman that when this proposal was originally made by him (Mr. Woods) the diversion of the Yarra and the enclosure of the present bed of the river in the station was part of the plan, and, moreover, the "outer circle" scheme was not then entertained at all—it had been rejected by the House. Under those circumstances, the viaduct would have been right enough. Provision had to be made for the traffic of the eastern lines. But that state of things existed no longer. The "outer circle" was to be made, and it would take the traffic of those lines, while all that was necessary in the way of interchanging rolling-stock could be done on the present tramway. He objected, as a country member whose line had been rejected by the committee for some reason he could not
understand, to this useless expenditure of money—money which could be far better spent in the country districts than in enabling a few passengers from North Melbourne to go from Spencer-street to Flinders-street on a costly viaduct, for travelling over which no extra charge could be made, at all events not more than 1d. What charge could be made for travelling over 40 chains of a viaduct, even although those 40 chains cost £80,000, as would probably be the case? It had been already admitted that it was not intended to use the same trains right through, and, that being the case, if the passengers had to change carriages, they might as well go on the tramway which was about to be made from Spencer-street to Elizabeth-street. He hoped the Government would agree to strike out the proposal from the Bill.

Mr. Nimmo remarked that in opposing the construction of this viaduct he thought the honorable member for Stawell must have forgotten a number of material facts. In the first place, the question of utilizing the area occupied by the Yarra for station purposes was exhaustively dealt with by a board four years ago, of which he (Mr. Nimmo) was a member, and it was found that to carry out the project which the honorable member for Stawell took an active part in bringing before the House would involve an enormous expenditure without conferring any material benefit on the community. It was found that to carry out this project a large amount of bluestone would have to be excavated on the line of the proposed diversion, that the river as diverted would flow through sites now occupied by manufactories in connexion with which a large amount of compensation would have to be paid, and also that the proposal would completely destroy the wharf on the south side of the Yarra, where the large and expensive crane had been erected. No benefits could be pointed out by the advocates of the proposal which would compensate for these disadvantages, and the opinions of all the engineers examined, including the late Mr. Higinbotham, were against the proposed diversion. As to the viaduct, the honorable member for Stawell argued on the assumption that it would not afford any additional accommodation beyond what could be obtained by the “outer circle,” but that was a mistake. There was a large population south of the Yarra who, when travelling from the interior, had to engage cabs to land them at the Flinders-street station from Spencer-street, whereas by the construction of this viaduct they would be brought from the one station to the other without leaving the train. When the “outer circle” was constructed, these people, if they wanted to travel all the way by railway, would have to go a distance of seven miles, unless the proposed viaduct was made. Surely it would be an accommodation to the 100,000 people living in South Melbourne, Port Melbourne, Prahran, and Richmond, not to speak of the other southern suburbs, to be spared having to engage cabs, or else to go a roundabout railway journey of 7½ miles. Another reason for constructing the viaduct was that vessels discharging goods at the Port Melbourne pier would be placed in direct communication with Ballarat, Sandhurst, Castlemaine, and all the other large centres of population up country. In fact the expenditure of £70,000 was nothing at all in comparison with the great advantages which would accrue from carrying out this work. Moreover, the viaduct would be a remunerative undertaking in another way. There would be large arches underneath for the accommodation of the traffic opposite each of the main thoroughfares, but all the rest of the space would be occupied by shops which would be let to merchants who would supply the shipping. And he might point out that in another two years much larger vessels would be able to come up the Yarra than could now do so, and the trade at the wharfs would be correspondingly increased. He trusted the honorable member for Stawell would withdraw his opposition to this proposal, which he (Mr. Nimmo) considered was a very wise one. With regard to the accommodation at the Flinders-street station, he might remind the honorable member that the late Mr. Higinbotham gave it as his opinion that, if about 80 feet on the north bank of the Yarra alongside of the present station were taken in, the Flinders-street station would give all the accommodation necessary, and the present Engineer-in-Chief, Mr. Watson, and also Mr. Greene, concurred in that opinion.

Mr. J. Harris said the honorable member for Stawell had stated that there was not room enough in the Flinders-street station to break up the trains, but he (Mr. Harris) presumed that that matter was considered by the department when the present proposal was being prepared. (Mr. Woods—The Minister admits that there is not:’) He did not hear the Minister make any such admission, but in any case, if there was not room at the station, there was plenty of room to the east of it in the
direction of the corporation baths. The proposed viaduct would be a great convenience to the 100,000 persons living south of the Yarra, and also to the people of the northern suburbs who wanted to go to Brighton. Two or three years ago the present proposal, or a similar one, was discussed at great length, and the great majority of honorable members were in favour of it. He hoped the honorable member for Stawell would withdraw his amendment.

Mr. LAURENS expressed the hope that the honorable member for Stawell would not persist in opposing the construction of the proposed viaduct. If the engineering difficulties were insurmountable, no harm could accrue from authorizing the expenditure, as the work could not be carried out, but he thought the honorable member went too far in arguing that the connexion would afford no accommodation. (Mr. Woods—"I said the game was not worth the candle.") The game was worth the candle, and more than the candle, as railways went. The argument used against constructing railways to the northern suburbs was that it was no use making railways that would only land passengers at Spencer-street, and the fact that the "outer circle" line had been agreed to was an additional reason for constructing this viaduct, because, by this means, persons travelling on that railway could be brought in to Flinders-street. Moreover, it must not be forgotten that the moment the viaduct was constructed the whole of the Victorian railways would be connected, and persons from the northern or southern suburbs would be able to reach any point on the railways without having to engage a horse vehicle at all.

Mr. PEARSON stated that he was requested by his constituents to support the proposed viaduct, which they regarded as a most important and necessary work. In fact, the Brunswick and Coburg line could only pay by the construction of this connexion, and he believed that, when the viaduct was made, it would pay very well, as people, instead of being landed at Spencer-street, could be carried into the heart of the city, and that would make all the difference. Looking also at the many thousands of people coming in by train to Spencer-street every day, and anxious to get to Brighton or some of the stations along that line, he thought that even an additional charge of 1d. for travelling over the viaduct would bring in a somewhat heavy revenue, and make the viaduct the most remunerative half-mile of the whole railway system.

Mr. WOODS observed that it was very refreshing to hear the honorable member for East Bourke Boroughs talk about the viaduct being remunerative. Where was the money to pay the interest on the £80,000 to come from? What passengers would come from Coburg? The Coburg line would not pay for the next ten years. The honorable member appeared to think that because there was a dead-end line to the colonial gaol it was necessary to spend £80,000 on a viaduct, in order to carry the warders of that gaol on to St. Kilda, to enable them to get a change of air. He (Mr. Woods) repeated that the Flinders-street station would not accommodate the traffic, and he defied any one to prove the contrary. The Railway Commissioners did not want this connexion, the public did not want it, and it was a mere fad of a few members. The honorable member for East Bourke Boroughs talked about the great convenience this half-mile of line would be, while he voted against a railway which was urgently required in his (Mr. Woods') district, where the farmers had to spend three months of the year in carting wheat along the roads, or rather tracks, when those three months ought to be occupied on their farms. He only wished the honorable member had a line in the Bill which he (Mr. Woods) could vote against in return—he would even vote against it contrary to his convictions—to mark his sense of the honorable member voting against such a railway, while he now talked of the convenience of a few warders at Pentridge. As he had said already, the Railway Commissioners did not want this connexion; they did not recognise the necessity for it. (Mr. J. Harris—"Have they said so?") They had told him so, and the matter was one in connexion with which they were in a position to pronounce an authoritative opinion. The honorable member for Emerald Hill (Mr. Nimmo) talked about ships coming up the Yarra, but what had that got to do with the viaduct? Had the railway dock been carried out, as it ought to have been, large ships would have been able to come up the Yarra and have the railway alongside them long ago. That would not be done now for the next ten years. However, that had nothing to do with the present question, which was the outlay of £75,000 or £80,000 on a useless work, and he invited the committee to save the money for country lines.

Mr. MIRAMS expressed the opinion that the proposed expenditure on the viaduct had
a great deal more to recommend it than very much of the expenditure which had been authorized in connexion with other lines in the Bill. The honorable member for Stawell had urged that there would not be room at the Flinders-street station for the additional passenger traffic which would be brought there by the construction of the viaduct. That was purely a technical engineering question, and, when the Minister in charge of the Railway department brought down this proposal, the committee had a right to assume that the honorable gentleman, acting on the advice of his officers, would not ask Parliament to authorize the construction of a work which would be futile and useless when completed. Moreover, it was to be remembered that there was a wide stretch of Government land between the Yarra and Flinders-street, and this might be used, if necessary, to provide further accommodation. A large portion of this land was planted with trees, and other portions were occupied by a bathing establishment, and by customs sheds. His own view was that there was plenty of land available at Flinders-street for the accommodation of the traffic for years to come. (Mr. Woods—"Yes, if you shift the station to Jolimont.") What he wanted to ask was why the Coburg line, or any of the lines to the northern suburbs, should be expected to pay when the south suburban lines were not paying now? Why should the property-holders in the northern suburbs be denied the advantages which the property-holders south of the Yarra had secured at a cost to the State of £1,600,000? Why should the portion of the community north of the Yarra have been treated, and he maintained that this was a monstrous imposition on the people of the colony. The honorable member for Stawell talked about the Coburg line not paying, but how was it likely to pay if the passengers were only brought on to the Flinders-street station, land at Coburg and Brunswick would be as readily bought and built upon as land on the south side of the Yarra. Nothing would tend more to enhance the value of land in the northern suburbs, and increase the population, and, consequently, the traffic upon the north suburban lines, than the construction of this viaduct, and the residents of the northern suburbs had as just a claim to be brought into the heart of the city as the residents of the suburbs south of the Yarra. He trusted, therefore, that the honorable member for Stawell would withdraw his amendment.

Mr. GAUNSON remarked that, while he believed that some of the objections of the honorable member for Stawell were well founded, he would nevertheless support the Government proposal. At the same time the honorable member for Stawell had raised several points which no attempt had been made to meet. In the first place, he emphatically asserted that the Railway Commissioners did not want the viaduct; and, secondly, he urged that the Flinders-street station could not be made to accommodate the traffic of a central passenger station. He also contended that if the viaduct was built it would only be used to accommodate a portion of the traffic between Spencer-street station and the Flinders-street and Prince's-bridge stations, so much provision being made for its transit in other ways. These were serious objections, and some explanation ought to be made with respect to them. The position taken up by the honorable member for Collingwood (Mr. Mirams) was an astounding one. He appeared to want the fares of the old Hobson's Bay lines raised to a higher scale than that adopted before the property came into the hands of the Government. But would not that be a most unreasonable proceeding? It was all very well to argue that the same rates should be charged to the whole of the metropolitan travelling public, but it did not by any means follow that that travelling public should be driven by high fares into the arms of the Tramway Company. Upon the whole, it would be well if the honorable member for Stawell saw his way to withdraw the amendment. Still he (Mr. Gau son) was quite ready to admit that the Ford scheme of Yarra improvement was infinitely preferable to what was known as the Coode scheme.

Mr. GRAVES observed that the statement of the honorable member for Stawell that the Railway Commissioners did not want the viaduct had taken him, and he
believed the rest of the committee, by surprise, and he trusted the Minister of Railways would lose no time in offering some explanation upon the subject. In view of the strict terms of section 61 of the Railway Commissioners Act, it seemed scarcely possible for the commissioners, if they were at variance with the Minister, to properly proceed with the construction of new lines, and also to fulfil all their responsibilities with respect to conducting the railway traffic of the country with safety and convenience.

Mr. GILLIES stated that the Railway department was under an obligation to Parliament to construct the viaduct now in question. When the present tramway between the Spencer-street station and the Flinders-street station was authorized, a distinct pledge was given on behalf of the Government that upon a future occasion provision would be made for connecting the two points by a viaduct. The commissioners were aware of that pledge, and also that upon a question of railway policy it was not their duty to interfere, unless they felt themselves in a position to say that a particular work contemplated could not be done for the money set apart for it, or that it ought not, on the ground of public safety, to be undertaken. As a matter of fact, there had been no expression of opinion on their part upon the subject.

Mr. GARDINER said he hoped the committee would pause before they passed this line. Reference had been made to certain benefits which the northern suburbs would receive from being brought into connexion with Flinders-street as well as with Spencer-street, but he failed to see that they would derive any advantage whatever from the arrangement. How, for instance, were those suburbs at present situated? In the first place, the Coburg line would never serve the public properly, and therefore never pay, until it was connected with the North-Eastern Railway at Somerton. Secondly, without that connexion the tramway lines would come into competition with the railway lines at at least three distinct points, namely, on the Sydney-road, in Rathdowne-street, and in Nicholson-street. Again, how would the Flinders-street viaduct being in existence benefit the travelling public on the south side of the Yarra? That it would be no convenience to them at all was apparent to any one who watched the course ordinarily taken by the passengers just arrived at the Prince's-bridge or Flinders-street stations. Of course those who came from the southern suburbs with the view of travelling by way of Spencer-street to the interior would derive an advantage from the viaduct, but their numbers would necessarily be very few. The honorable member for Emerald Hill (Mr. Nimmo) talked of the usefulness of being able to send the goods traffic from Port Melbourne straight to the goods-sheds at Spencer-street, but did he not know that at the present time the whole of that traffic was conveyed along the Flinders-street tramway? Another thing against the line was that the very honorable member who, when he was Minister of Railways, first suggested its construction now opposed it, being convinced that it would be of no use. Could any honorable member set himself up as a higher authority upon railway matters than the honorable member for Stawell was? Then it was well known that the Flinders-street station would soon be scarcely able to accommodate the traffic of the southern suburbs, so that to make it the centre of traffic from other quarters would be a great mistake. But perhaps the greatest objection of all to the proposed line lay in the fact that all it could possibly do would be capable of being done by means of the "outer circle" line. Under these circumstances, the honorable members representing country districts who wanted lines which the Minister of Railways refused, from lack of funds, to concede ought to let themselves be guided by the simple fact that carrying the honorable member for Stawell's amendment would mean placing £73,000 at the disposal of the Government for the construction of other lines. In truth, the more the case of the proposed viaduct was looked at the less justifiable did it appear. It seemed as though it would never have been put into the Bill had not the contractors of Melbourne been in need of a job. Certainly they had had more to do with the Government taking the matter in hand than the engineers of the Railway department had had. There was not the smallest real reason why the work should be entered upon, at all events at the present time; and it should be borne in mind that it could be cheaply done ten years hence as it could be done now. Of all the arguments set up in its favour, perhaps the poorest was that offered by the honorable member for Emerald Hill, when he suggested that the 15-foot spaces between the columns supporting the viaduct should be utilized for shops. Could any honorable member imagine a more unsightly appearance than that which Flinders-street would present if any arrangement of the kind was adopted?
Besides, the obstruction the viaduct would offer to the traffic of Flinders-street, and of the roads connecting Melbourne with South Melbourne and Sandridge, should also be taken into consideration. Probably, in spite of all he (Mr. Gardiner) had stated, the line would be carried, but he was sure honorable members would subsequently have reason to regret carrying it.

Mr. FINCHAM remarked that the proposal to make both the "outer circle" line and the viaduct now under consideration seemed to him a piece of wicked profligacy.

Mr. GAUNSON asked if it was in order to describe the policy of the Government in the terms just used?

Mr. FINCHAM observed that, if the expression he had employed was disorderly, he would withdraw it. At the same time, it was not possible, except by using strong language, to adequately describe a plan which involved the construction of two expensive works in order to accomplish something which could be completely achieved by carrying out only one of them. The question whether the Railway Commissioners approved of the proposed line was also a matter of very considerable importance, especially in view of the statements made last session about the great advantage it would be to have permanently at the head of the Railway department gentlemen thoroughly familiar with its necessities. Surely, if ever it was desirable that Parliament should be guided by the opinion of experienced men, it was desirable now. To say that the commissioners ought not to offer such an opinion, because the matter to be dealt with was one of policy, was a mere foolish piece of affectation. They were, of all men, the most competent to decide whether the viaduct should or should not be constructed, and, indeed, he would go so far as to say that, if they expressed themselves in favour of the work, he, for one, would waive any objection he might otherwise have to it.

On the other hand, if they took the contrary view, what became of the argument set up the other night against the construction of the Boort, Kerang, and Swan Hill line, namely, that the Government had no funds to devote to it? Of course the Government would be instantly in possession of funds to devote to it if the viaduct was given up. He begged to urge honorable members not to be guilty of the national sin of passing expensive lines of railway without making the slightest inquiry in the proper quarter as to whether they ought to be passed. Could it be said that all the lines now in the Bill would have been carried had they been considered on their merits? (Mr. Anderson—"They were passed after discussion on their merits.") It seemed to him that a great many of them were passed on their demerits, and that, if evidence with respect to them had been heard at the bar of the House, they would have been very differently treated. Taking everything into consideration, honorable members had no justification whatever for agreeing to the construction of this viaduct, which would cost an enormous sum, and be an everlasting eye-sore, as well as obstruction to the public traffic in one of the busiest thoroughfares of the city. He was anxious to support the Government in every way he could, but he also felt bound to act, on the present occasion, in accordance with his firm conviction that it would be greatly to the public benefit if the £73,000 intended for the line before the committee was devoted to a railway of a more rational as well as national character.

The amendment was negatived without a division.

The clause was further amended by substituting "£800,000" for "£750,000" as the amount to be expended on "works and purposes connected with railway extension" specified in the 67th schedule; and by the insertion of words limiting the expenditure on the portion of the Alphington Railway extending from the Heidelberg-road to Johnston-street to £51,000, and providing for an expenditure of £178,000 on rolling-stock, and £415,000 on permanent-way materials.

Formal amendments were made in clauses 11 and 13.

On clause 16, providing that, before any expenditure under the Bill was incurred, an estimate of the proposed expenditure should be submitted for the sanction of the Legislative Assembly,

Mr. GRAVES called attention to the fact that, three or four months ago, it was publicly mentioned by the Attorney-General that over £1,000,000 available for railway construction was lying in the banks, and asked whether that money would be locked up until an estimate such as the clause provided for was submitted to the Legislative Assembly? (Mr. Gillies—"Certainly.") Inasmuch as the session might be expected to terminate within a few weeks, he would like to know whether it was probable that the money would be locked up during the recess?

Mr. GILLIES stated that, as soon as the Bill became law, he intended to submit,
for the approval of the Assembly, an estimate of the expenditure proposed to be incurred under the measure during the current financial year.

On the schedules (1st to 67th),

Mr. GRAVES said the schedules were not yet in print, and he would like to know whether those schedules which related to lines provided for in the Bent Railway Bill of 1882 varied in any way from the corresponding schedules of that measure?

Mr. GILLIES observed that he had already called attention to every case in which there was a variation.

Mr. BENT remarked that the Minister of Railways could hardly expect the committee to pass the schedules without some consideration.

Mr. GILLIES explained that his desire was to have the Bill printed as reported, and circulated, if possible, the following day.

Mr. BENT inquired whether it would be competent for honorable members to propose amendments on the schedules?

Mr. GILLIES said it would, when the report was considered.

The schedules were agreed to.

On the preamble,

Mr. BENT asked whether the Government would consent to the recommittal of the Bill, in order that the opinion of honorable members might be tested as to the Williamstown Race-course line, and also again as to the Swan Hill line?

Mr. GILLIES stated that the Government had no occasion to ask for the recommittal of the Bill. What the honorable member for Brighton desired to do could be done on the report, and, that being so, there was no necessity for recommitting the Bill.

Mr. GAUNSON inquired whether, in the event of it being found that what the honorable member for Brighton desired to do could not be done on the report, the Minister of Railways would consent to the recommittal of the Bill?

Mr. GILLIES replied in the affirmative.

Mr. MACKAY stated that he did not understand why the Minister of Railways could not at once consent to the recommittal of the Bill for the consideration of the question whether the two lines referred to by the honorable member for Brighton should not be included.

Mr. KERFERD submitted that honorable members ought to be satisfied with the assurance of the Minister of Railways that, if it were found that the additions which the honorable member for Brighton wished to see made to clause 3 could not be proposed on the report, the Bill would be recommitted.

Mr. GAUNSON remarked that it was not an infrequent thing for a Bill to be recommitted for the reconsideration of certain clauses and those clauses only.

Mr. GILLIES observed that if the Bill were to be recommitted for the reconsideration of clause 3, which specified the lines to be made and maintained, the whole question of railway construction might be re-opened.

Mr. GAUNSON said he thought the committee ought to be content with the Minister's assurance that, if a direct vote could not be taken on the report as to the Swan Hill and Williamstown Race-course lines, he would go the length of recommitting the Bill.

Mr. GILLIES stated that what he consented to, in the event referred to, was that clause 3 should be recommitted.

Mr. A. T. CLARK observed that he was perfectly ready to accept the assurance of the Minister of Railways. What he objected to was that honorable members should call the connexion he desired to see established with the Williamstown Race-course a "line"; it would be only a mere siding.

Mr. BENT said he accepted, without reservation, the assurance given by the Minister of Railways. However, he thought there should be an understanding as to when the opinion of honorable members would be ascertained as to the Swan Hill and Williamstown Race-course proposals, so that no honorable member would have any excuse for being too late for the division, as the honorable member for South Gippsland was the previous Thursday evening.

Mr. SERVICE suggested that the matter should be settled the following Tuesday.

Mr. GILLIES expressed the hope that, after it was settled, honorable members would allow the Bill to go to its third reading the same evening.

Mr. WRIXON intimated that he desired to propose the addition of a clause to the Bill.

Mr. GILLIES stated that this could be done on the report.

The preamble was agreed to.

The Bill was reported with amendments.

ADJOURNMENT.

Mr. BENT suggested to the Premier the desirability of the House adjourning forthwith until the following Tuesday. He stated
that he made the suggestion at the request of a number of country members, some of whom were Government supporters. For his own part, he was ready to be in his place to assist in going on with business next day.

Mr. SERVICE stated that he was always desirous of consulting the feelings and wishes of honorable members, but he would like to call attention to the state of the notice-paper. There were several Bills which, though of comparatively minor importance, were yet Bills of urgency, awaiting consideration. He might mention the Factories Bill as an example.

Mr. GAUNSON remarked that the carnival of the Australians was now being celebrated in Melbourne, and there was no doubt that the adjournment of the Assembly for the rest of the week would help to lubricate the wheels of business, so that legislation for the rest of the session would go on smoothly.

Mr. ANDERSON observed that this was the first he had heard of any suggestion for adjournment, but the suggestion was one with which he concurred, and he hoped it would be accepted.

Mr. SERVICE said he was afraid that, if the House adjourned for the rest of the week, there would be grumbling on the part of some honorable members.

Mr. ZOX stated that he questioned whether the honorable member for Brighton was sincere when he said that personally he was indifferent whether the House adjourned or not, and that he asked for the adjournment simply in the interests of other honorable members. Did the honorable member for Brighton want an adjournment or did he not? He (Mr. Zox) would like to see the House sit the following evening to deal with Bills like the Mining Accidents Fund Bill, of which he and other private members had charge; but if it was likely that there would be only a small attendance, and that honorable members would not be in a frame of mind to address themselves to business, the better course would be to agree at once to adjourn until Tuesday.

Mr. JAMES remarked that there would have been some sense in the observations about adjournment if they had been made the previous Thursday evening; but he did not believe in members being brought to Melbourne, from the country districts, to sit for an hour or so on Wednesday, and then for the House to adjourn for the rest of the week. He would prefer going on with business, in order that the session might be brought to a termination as soon as possible.

Mr. SERVICE observed that he was not quite sure whether the honorable member for Ballarat East (Mr. James) was serious. In fact, he had as much doubt upon the point as the honorable member for East Melbourne (Mr. Zox) seemed to have about the sincerity of the honorable member for Brighton. However, under the circumstances, he was not disposed to refuse anything to so good a House, and therefore he begged to move that the House, at its rising, do adjourn until Tuesday.

The motion was agreed to.

COLLEGES OF AGRICULTURE BILL.

The order of the day for the second reading of this Bill was discharged from the paper.

The House adjourned at three minutes to seven o'clock, until Tuesday, November 11.

LEGISLATIVE COUNCIL.

Tuesday, November 11, 1884.


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

PETITIONS.

Petitions were presented by the Hon. W. E. Hearne, from the Bishop of Melbourne and the clergy and laity of the Church of England in the diocese of Melbourne, praying that steps might be taken to prevent the full publication of Divorce Court proceedings in the newspapers, and also that certain of the recommendations of the Education Commission should be taken into favorable consideration.

INDUSTRIAL SCHOOLS.

The Hon. F. T. SARGOOD, pursuant to order of the House (dated July 23), presented a supplementary return relating to industrial schools.

SUBSTANTIVE GENERAL LAW CONSOLIDATION BILL.

The Hon. F. S. DOBSON brought up the report from the select committee on this Bill.

The report was ordered to be taken into consideration the following day.
HOSPITALS AND CHARITABLE INSTITUTIONS BILL.

This Bill was recommitted.

On clause 8, providing that the following relatives—father, mother, child, husband, or wife—of persons supported or relieved by a charitable institution might be summoned before magistrates and ordered to pay the cost of the support or relief afforded,

The Hon. J. CAMPBELL moved the insertion of words extending the operation of the clause to cases in which the support or relief was afforded during the preceding twelve months.

The amendment was agreed to.

The Bill was then reported with further amendments.

STATUTE OF TRUSTS AMENDMENT BILL.

The amendments made in this Bill, in committee, were considered and adopted.

On the motion of the Hon. J. Balfour, the Bill was read a third time and passed.

PASSengers, Harbours, and Navigation Statute Amendment Bill.

The Hon. F. E. Beaver moved the second reading of this Bill. He said it was, with a trifling exception, identical with the Bill on the same subject which he introduced the previous session, but which, although the Council passed it unanimously, was sent to the Assembly so shortly before the prorogation that it was included in the "slaughter of the innocents." Its object was to remedy the defect in the existing law which prevented the Pilot Board from making an inquiry with respect to any casualty occurring to any vessel in Victorian pilotage waters, when in the hands of a pilot or exempt master, if no charge on the subject was formally laid. This disability it was proposed to remove by providing that the board could enter upon such an investigation "whether a charge shall or shall not have been made." That such a change in the law was called for was sufficiently proved by the fact that during the present year no less than nine serious casualties of the kind he referred to had occurred without any inquiry into them being held, and consequently without it being known who was to blame for them.

In June last the secretary of the Chamber of Commerce wrote to the president of the Pilot Board as follows:

"Sir,—I have the honour, by direction of the committee of the Chamber of Commerce, to intimate respectfully that, at their last meeting, attention was called to the fact that several casualties had occurred to ships in charge of Melbourne pilots, of which no notice appeared to have been taken. I was desired to ask if you would obliquingly inform the committee whether your board had cognizance of accidents to the Newcomen, Caledonian, and Argo, in and near Port Phillip Bay, and, if so, whether any inquiry had been instituted by your board into the causes of those accidents, or either of them?"

To that communication, the secretary of the Pilot Board replied in the following terms:

"Sir,—I have the honour to acknowledge your letter of 9th inst., asking if the board were aware of certain casualties to ships in charge of pilots, of which no notice appeared to have been taken.

"This letter has been laid before the board, and, in reply, I am instructed to inform you that the board is fully cognizant of the recent groundings of the ships Newcomen, Caledonian, and Argo, to which you allude; but no charge having been made against the pilots of these vessels by either the masters, agents, owners, consignees, insurers, or anybody else connected with the said vessels, the board are not in a position to institute an inquiry into the conduct of the pilots in question.

"The board deeply regret the present defective state of the law, and have, for years past, endeavoured to get it amended.

"During the last session of Parliament they introduced a Bill for that purpose, but, when this Bill was before the Legislative Assembly, it did not receive from the parties most interested that support which the board had a right to expect."

It might be asked why the Bill was not introduced months ago, but the delay that had occurred with respect to it was unavoidable. It was kept back, in fact, in the belief that the Government were about to bring in their promised Marine Bill, which would deal exhaustively with the whole of the marine affairs of the colony. It appeared now, however, that that measure, which consisted of over 500 clauses, could not be brought forward during the current session, and therefore it was thought best, in order that pilotage affairs might not continue in their former course, to ask honorable members to deal with the matter in the shape in which it came before them last session. It was really of great importance that something should be done to prevent casualties occurring to vessels in Victorian waters without any step being taken to ascertain where the fault lay. He would also take the opportunity of referring to a complaint which had been lately made more than once, to the effect that the Victorian charges for pilotage were excessive, inasmuch as they were heavier than the pilotage charges exacted in the other colonies. But, in the first place, it was absolutely untrue that they were heavier, an assertion which he would prove by comparing the pilotage charges of the port of Melbourne with those
of the port of Sydney—the only fair comparison on the subject that could possibly be made. In Sydney the charge was 4d. per ton, without any maximum, for only seven miles of pilotage, whereas the pilotage of vessels coming to Melbourne extended over 50 miles by the South Channel, or 45 miles by the West Channel, and above a maximum tonnage there was no charge. In consequence, the pilotage charges on large vessels were often, notwithstanding the difference in the mileage, far greater in Sydney than in Melbourne. For instance, while the Belgravia, 3,275 tons, the Orient, 3,440 tons, the Cephalonia, 3,490 tons, and the Iberia, 2,552 tons, were charged only £50 each for their pilotage to Melbourne, the charges for their pilotage to Sydney were respectively £109, £114, £116, and £99. In justice to the Victorian pilots, it should be stated that they did their duty thoroughly well. They were always cruising about outside the Heads in all sorts of weather, whilst at Port Jackson the pilots never went outside at all, unless they were signalled for. He hoped, in the interests of the pilots and shipowners of Victoria—in fact, of the whole community—that the Bill would be passed into law with the utmost possible speed.

The motion was agreed to.

The Bill was then read a second time, and passed through its remaining stages.

LAND BILL.

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

Discussion took place on clause 22, which was as follows:

"The right to a lease in respect of such pastoral allotments shall, after public notice, be granted to the first person who after such notice lodges an application for the same. If two or more applications be lodged on any one day before the hour of two of the clock in the afternoon in respect of the same pastoral allotment, such applications shall be referred to persons appointed by the Minister to hear the same and report thereon in writing to him."

The Hon. H. CUTHBERT remarked that he had given notice of new clauses which would be opposed to the principle laid down in this clause, and he would be glad, therefore, if it were postponed.

The Hon. F. T. SARGOOD observed that, as the clauses of which the honorable member had given notice were directly antagonistic to the principle contained in the present clause, it would be as well, in order to test the matter without further delay, if the honorable member would move that clause 22 be struck out, with the view of substituting, after the Bill had been gone through, the clauses of which he had given notice.

Mr. CUTHBERT said he had no objection to take the course suggested, and he therefore begged to move that the clause be struck out. The principle of the clause was that, when there were two or more applicants for the lease of a pastoral allotment, the question as to which applicant should receive the lease was to be decided by a board appointed by the Minister for the time being—a political appointment of course. It was well known that such a board would be guided to a great extent by the gentleman who appointed it. If there was no coalition Ministry at the present time, and Mr. Berry, for instance, happened to be in power, the Minister of Lands in his Government would appoint the board, and no doubt the board so constituted would be more or less influenced in the decisions they arrived at by the political propensities of the different applicants. If there were three or four applicants all having an equal right to the lease of a pastoral allotment, the board would probably consider the question of the politics of the different applicants, and give the preference to the supporters of the Ministry. It was most undesirable that such a state of things should prevail, and it would be much better that the selection should be made either by lot or by limited auction. He was emboldened to propose that the selection should be made by limited auction by the fact that that principle was adopted by the Government themselves in framing the Bill and submitting it to another place. There was no doubt that the principle of competition was the fairest and best principle. No one could be injured by it, as all the applicants would stand upon equal terms. Moreover, it was almost impossible for any board to say which out of three or four applicants was best entitled to receive a lease, and the creation of a political tribunal for such a purpose was also very undesirable. Again, the State would gain the benefit of the competition, while under such a system none of the applicants would have ground of complaint. If the committee preferred the system of lot it would be competent for them to adopt it, instead of the system of limited auction which he intended to propose, but, in order to adopt either system, it would be necessary to strike out the clause.

Mr. SARGOOD remarked that Mr. Cuthbert objected to the appointment of a board to deal with the selection of applicants for leases on the ground that the board was
liable to be appointed from a political point of view. He would remind the honorable member, however, that the board would be appointed from Government employees, and that the establishment of the Public Service Board had considerably altered the position of Government servants, who would in future be practically independent of Ministers, inasmuch as no Minister could either dispense with a Government servant's services or interfere in any way with his promotion. The members of the board, therefore, would be practically independent of the Minister of the day. Again, if the matter came before the Board of Land and Works, that body included the Surveyor-General, the Secretary for Lands, and the Secretary of the Public Works department, who would likewise be independent of the control of the Minister. Mr. Cuthbert had also argued that the auction system was to the advantage of the State, inasmuch as it would thus get the highest price for the leases; but, although he (Mr. Sargood) admitted that his predilections were originally in favour of the system of competition, he was bound to say that there were strong arguments on the other side. He did not think it was at all important that the Government should get the utmost penny for the land; what was wanted was that the lands should be placed in the hands of occupants who would be able to deal with them profitably and successfully. Under the system of competition, say between a poor and a somewhat richer applicant, whichever party succeeded would, by having bid up to the highest penny, be deprived of an amount of money which he would have been able to utilize in connexion with the land, and would thus be rendered less able to occupy it successfully. The bulk of honorable members in another place were against the system of competition, and he thought some consideration should be given to the opinions of practical men on such a subject. He hoped, therefore, the committee would not strike out the clause.

The Hon. W. A. ZEAL expressed the hope that Mr. Cuthbert's proposal would be carried by the committee. It was to be recollected that he was not proposing some new departure, but merely to reintroduce into the Bill the clauses which the Government themselves, after careful consideration, inserted in it as best adapted for the interests of the country. Owing to the pressure of members in another place, the Government had agreed to diametrically opposite proposals; but he thought the Council should be chary in allowing the Government to adopt such a course, in view of the fact that in all probability their original propositions were calmly and carefully thought out.

The Hon. J. CAMPBELL said that he presumed that with the Government, as with other people, second thoughts were best. They thought that, on the whole, the proposition now in the Bill was better than the original one, and therefore they adopted it. The object which should be kept in view was not so much to get the highest price for the land as the best settlement, and, on the whole, the system of land boards had been found to work well, and they had not shown such favoritism as Mr. Cuthbert had alluded to. ("Oh!") There might be exceptional cases of the kind, but he thought they were very few. Cases occurred in which it would be well to have a board to decide between the applicants. For instance, of two applicants for the same allotment, one might have a large family, and the board would perhaps give him the preference for that reason. In fact, the board would take into consideration all the facts, and he thought they would be able fairly to decide between rival applicants. Whatever the committee did, he trusted they would set their faces against the system of lot, which was a hateful principle.

The Hon. J. MACBAIN considered that the position of the representatives of the Government in the Council was one which demanded sympathy. The Government adopted the principle of limited auction in their Bill, and they were led to change it to the present proposition by another place. The Council, however, as a court of review, were entitled to ask the Government to adopt their view of the case and to return to the proposal originally made by the Government themselves. He had no doubt that the three gentlemen who represented the Government in the Council approved of the principle of auction upon its merits, and it was only a matter of political expediency which had led them to agree to the present proposition. The statement had been made that land boards did not show favoritism, but he thought that the experience of the working of the board system was of a different character. Moreover, even if a board wished to act fairly, there had been cases in which the Minister himself had discarded the evidence taken by the board, and shown favoritism. The Government had shown themselves desirous of protecting Ministers from political influence in the administration of their departments by the appointment of the Railway Commissioners.
and the Public Service Board, and they adopted a similar principle in proposing the auction system for disposing of pastoral leases in order to protect the Minister of Lands from being influenced to exhibit favoritism. It was to be regretted that the original proposal of the Government had not been adhered to, and he thought the committee would be acting wisely in restoring it to the Bill. Why should a Minister, with or without the aid of a board, have the power of saying that Dick, rather than Harry, should have a lease, instead of allowing the question to be decided by competition? In what position was the Minister to say that Jones was a better man than Smith to be given a lease?

It was well known that in cases of the kind the matter was frequently decided according to the political influence which each party could bring to bear. Under such a system there would be very little consideration shown to a man if he happened to be the thirty-second cousin of an old pastoral tenant. There could be no question that the system of competition was the fair and proper way of settling such matters, and he trusted that the committee, even for the protection of Ministers themselves, would re-insert it in the Bill. He believed that if the Council took this course, many members of the other House would thank them for relieving them from the necessity for acting inconsistently.

The Hon. W. E. HEARN observed that the Postmaster-General had stated that the object of the clause was to put the best man on the land, and no doubt that was a very excellent object, but the method proposed for discovering who was the best man was a very questionable one. No standard was proposed by which the board was to decide as to the respective merits of the applicants. The Postmaster-General had put in a word for the fathers of large families, but inasmuch as the question of twins and triplets, of whether allowance should be made for dead as well as living children, together with other possibilities, might arise if that standard alone was adopted, it was evident that something further was needed. The Minister of Defence had stated that the members of the proposed board would be civil servants. (Mr. Cuthbert—"They may be any persons.") No doubt, but the Minister of Defence had assumed that they were to be civil servants, and he had further assumed that they would be independent of the Minister. Those were two pretty big assumptions, although certainly he (Dr. Hearn) would be glad to find the Public Service Act having the effect predicted for it. But in any case, if a board was to be appointed to select the best men for these pastoral leases, there should be some standard of excellence set up, and it would be rather difficult to fix such a standard. In fact, the proposal in the clause simply meant giving the patronage in connexion with these leases to certain persons appointed by the Minister, and surely that was not a wise thing to do. He trusted the committee would have no hesitation in returning to the system of limited auction originally proposed by the Government themselves.

The Hon. J. A. WALLACE said that the public lands of the colony had been so long scrambled for that he thought it was high time the State should get something like the value of the remaining territory. The system of sale by auction was, he considered, the proper way to obtain the highest price for anything, and he was in favour of adopting it in regard to disposing of pastoral leases. It was said that all the good land was gone, but he knew where there was plenty of land, 50,000 acres of which he would be glad to buy up at £1 an acre. To show how the land was being squandered, he might state that he was told that a syndicate of 25 persons was being formed to take up 1,000 acres each under this Bill, and they would be highly pleased if they could get the land at £1 an acre. (Mr. Sargood—"Is each of them prepared to reside for five years?") They could find men to reside for five years whom they could pay for doing so. The 25,000 acres would be worth £100,000 before the leases expired. (Mr. Lorimer—"Then don't part with the land.") He would be quite agreeable that the Bill should be set aside for seven years. If the Council laid the Bill aside, he was quite sure that the country would back them up in doing so. Who had asked that such a Bill should be introduced? It would be far better to keep the balance of the public territory for the rising generation, or as an inducement for other people to come to the colony, than to dispose of it in the way proposed by the Bill. It might even be desirable to offer immigrants of a certain class 100 acres of land each for nothing in order to attract to the colony people who would settle upon the lands. Honorable members might rest assured that the syndicate to which he had referred was not the only one which would be formed to mop up the lands under the Bill, but that several other syndicates of a
similar character would be brought into existence. If there was to be a scramble for the proposed leases, they ought, at all events, to be put up to auction, so that the State might get as high a price as possible for them.

The Hon. F. ORMOND remarked that the simple question at issue was how the State could obtain the best tenant when there were two or more applicants for the same allotment. He had not confidence in a board choosing the best tenant, because he had seen instances of such tribunals displaying favoritism. He would therefore vote against the proposal of the Government. In his opinion, limited auction would be the most satisfactory principle to adopt, although he did not deny that selection by a board would be a better plan if there could be entire confidence in the board choosing the best tenant.

The Hon. D. COUTTS observed that hitherto, if a man could not get the piece of land which he wished in the first instance to take up, he had had the opportunity of selecting in another part of the country; but, under the Bill, no man was likely to have more than one chance, and there would, in all probability, be four or five applicants for each allotment. The object of the State should be to secure the best tenant in each case, but the difficulty was how to determine who was the best man. He would like to see some means adopted to relieve the Minister from the task of making a selection, but how could that be accomplished in the way proposed by the clause? Supposing that a board reported that there were five applicants for a certain allotment, and that the claims of all the applicants were equal, how was the Minister to decide to whom the lease should be granted? He (Mr. Coutts) thought that limited auction would be the best system to adopt, at all events in regard to the pastoral allotments.

The Hon. T. BROMELL stated that he was in favour of the lot system rather than of limited auction. He considered it very desirable that the Minister of the day should be relieved from the responsibility of having to make a selection between two or more applicants.

Mr. CUTHBERT said there seemed to be a strange omission from the clause, because it contained no provision as to what the Minister should do on receiving the report of the board in cases where there were two or more applications for the same allotment. The Minister's hands would therefore be tied. The Assembly had apparently been in such a hurry to insert the clause that it had overlooked this omission. The plan originally submitted by the Government for deciding between two or more applicants was far better than leaving the matter in the hands of any board or Minister. The principal argument urged by Mr. Campbell against the auction system was that it might impoverish the tenant, but surely a man would not be so stupid, as to spend all his capital in getting possession of an allotment, and leave himself without the means of turning the land to profitable account. Intending lessees ought to be credited with the possession of a little common sense, and they should be left to transact their own business as free as possible from any political tribunal. Mr. Campbell stated that there had been few, if any, cases of injustice done by land boards; but the fact was that under the administration of the Land Acts of 1862 and 1865 no man in a good position in life had the slightest chance of obtaining land by selection unless he made use of dummies. Although he (Mr. Cuthbert) had been desirous of acquiring land under the so-called liberal land laws of the colony, he had never been able to get a single acre except in the auction room. Indeed, his experience had shown that a man who wore a black coat was not allowed to select land. Having seen the injustice of political tribunals in connexion with land administration, he thought that the sooner such a system was got rid of the better. He hoped that the committee would strike out the clause.

Mr. SARGOOG remarked that it was apparently assumed that the best price would be obtained for the leases if the auction system was adopted, but it was not by any means invariably the case that the highest prices were realized at auction. Such things as a "knock-out" were not unknown in connexion with land and other auctions. In the case of the mailie fringe allotments the board system had worked thoroughly satisfactorily. With respect to Mr. Cuthbert's contention that the clause gave the Minister of Lands no power to act upon the report of a board after it was received, he was informed, on the authority of the Attorney-General, that the Minister would have full power either to carry out the recommendation of the board, or to depart from it, as he thought fit, as an ordinary administrative act, for which, of course, he would be responsible to Parliament.

The motion for striking out the clause was carried without a division. The clause was accordingly struck out.
On clause 24, providing that the annual rent for every lease of a pastoral allotment should be computed at the rate of 1s. per head of sheep and 5s. per head of cattle, the number of sheep or cattle to be determined by the grazing capacity of the allotment upon a basis of not more than ten acres to a sheep, and the equivalent number of acres for cattle,

The Hon. T. F. CUMMING inquired who was to ascertain the grazing capabilities of the allotments?

Mr. SARGOOD replied that the grazing capabilities would be determined by the Lands department on information obtained from its inspectors and other officers.

Mr. CUMMING asked if it was competent for the committee to amend the clause? If it was, he would move that the maximum basis of the grazing capability of an allotment should be increased to twenty acres per sheep.

The CHAIRMAN.—I do not think that it is competent for the committee to amend this clause. It appears to me that the clause imposes a rent, and that, therefore, it comes within the terms of the 56th section of the Constitution Act.

Mr. ZEAL expressed doubt as to the correctness of the Chairman's ruling. He thought that the amendment which Mr. Cuming desired to move only affected the question of what should be considered the maximum grazing capacity of the pastoral allotments.

Mr. SARGOOD pointed out that Mr. Cuming's proposition, if adopted, would fix the maximum grazing capacity at twenty acres per sheep instead of ten acres, and that the effect of the amendment would be to alter the rent which would be obtained under the clause. He was, therefore, inclined to think that the Chairman's ruling was correct.

The Hon. N. FITZGERALD suggested that the Chairman should take time to consider the point. He did not concur with the opinion that the amendment was contrary to the 56th section of the Constitution Act. Similar amendments had been made by the Council in other Bills.

The CHAIRMAN.—I would like further time to consider the question of order, and, therefore, I will ask the committee to postpone the clause.

The clause was postponed.

On clause 25, setting forth the covenants to be contained in leases of pastoral allotments, Mr. MACBAIN drew attention to the 2nd covenant, which was as follows—

"A covenant that the lessee will not assign, sublet, or subdivide any land demised by such lease or any portion thereof without the consent of the board signifyed in writing."

He thought that a pastoral lessee ought to have the power of mortgaging his lease without being compelled to obtain the consent of the Minister of the day to enable him to do so. He, therefore, begged to move that, after the word "assign," the following words be inserted:—"except by way of mortgage." He looked upon the pastoral allotments under the Bill as corresponding to the runs under the Land Act 1869, and, by the 71st section of that Act, an interest in a run was deemed to be a chattel interest, so that it could be mortgaged if the occupier of the run wished to improve his holding by fencing, constructing dams, or otherwise. Great hardships had been suffered by selectors under the Act of 1869 in consequence of being prohibited from borrowing money on the security of their licences without the permission of the Minister, and it would be very undesirable to impose a similar restriction on the lessees of pastoral allotments under the Bill. (Mr. Sargood—"This covenant is a copy of one required under the Mallee Act passed last session.") He was not in the colony when that Act was passed. There was no good reason for requiring a pastoral lessee to go cap in hand and obtain permission from the Minister before he could mortgage his lease for the purpose of borrowing money to make improvements. According to all sound commercial principles, every lessee ought to be free to do what he thought best in such matters.

Mr. SARGOOD observed that to enable a pastoral lessee to mortgage his interest in the allotment held by him—which would be the effect of adopting Mr. MacBain's amendment—would be to defeat, to a large extent, the object of the Bill. Instead of the pastoral allotments being held by individual lessees, a considerable number of them would fall into the hands of syndicates and monetary institutions. Whenever a private person let a private property, he took very good care that the lease contained a provision providing against the possibility of the property being sublet to some one whom he might not approve of, and the condition against assignment was contained in the clause in order that a pastoral allotment might not fall into the hands of a mortgagee without the consent of the Crown.
The amendment was one which the Government could not accept.

Mr. WALLACE stated that many of the lessees of pastoral allotments were sure to be men who would not be able to carry on without some monetary assistance, and this a lessee ought to be able to obtain without having to go cap in hand to the Minister of Lands for permission to mortgage his lease.

Mr. MACBAIN remarked that he could not understand the reasoning of the Minister of Defence. Certainly the pastoral tenants proposed to be created under the Bill ought not to be placed in a position different from that of other tenants of the Crown, or in a position different from that of existing pastoral licensees. The 71st section of the Land Act 1869 provided that—

"The interest in a run held under a licence to occupy for pastoral purposes shall be deemed to be a chattel interest for all purposes."

And why should not the interest in a pastoral allotment of a person who held a lease of that allotment for fourteen years be also regarded as a chattel? Why should not the lessee of a pastoral allotment, if in want of funds to effect improvements or to tide over adverse seasons, be able to go to his banker and obtain an advance by giving a lien or mortgage over his lease without having first to appeal to the Minister of Lands and obtain his assent to the proceeding? It was monstrous for the ordinary course of business to be interfered with in such a way by an Act of the Legislature. If Parliament wanted the pastoral allotments to be taken up by respectable men, who would improve them, get rid of the vermin upon them, and make the land profitable both to themselves and the State, it must allow the interest of the lessees in the allotments to be regarded as a chattel interest for all purposes. He (Mr. MacBain) could not understand why the Minister of Defence, with all his business experience, should raise objection to the amendment. It should be recollected that a large portion of the land which was going to be offered to the public as pastoral allotments was very poor. Some of it was so poor that he believed it would never be taken up under the Bill. Therefore, it was unwise to seek to trammel intending lessees with conditions which could never be carried out.

The Hon. D. MELVILLE said he considered that, if the clause were to be interfered with as Mr. MacBain proposed, the fences with which the Government felt it necessary to protect the public interest would be broken down. No doubt it was necessary that those who took up the pastoral allotments should have facilities for raising money, but it was equally necessary, judging by past experience, that the Government should know who were the actual holders of the land, and they could know this only by exercising that supervision over the leases which the amendment would deprive them of. He wholly objected to syndicates being able to step into the position which the Government ought to occupy.

Mr. BROMELL observed that men of small means who took up pastoral allotments could not carry out the improvements which the Bill required of them unless they had the power to borrow money, and they would not be able to borrow money unless they could give some security. He could not see that any harm would result from the lessees of pastoral allotments being placed in the same position as present pastoral licensees.

Mr. CUTHBERT remarked that the clause as it stood provided that any one who took up a pastoral allotment should not be at liberty to borrow one single sixpence, no matter what his needs might be, without the consent of the Minister of Lands for the time being. The Minister might be a similar man to the Minister who was at the head of the Lands department not many years ago, and who would not allow a selector to mortgage unless he was perfectly satisfied with the reasons which led the selector to ask leave to take that step; and who, in consequence, did more harm than was ever done by any other Minister of Lands. Why should legislation which permitted such an interference be perpetuated? Under the Bill, the licensee of an agricultural allotment would be perfectly free, after he had been two years in occupation, to borrow money without asking leave from the Minister of Lands, and surely the pastoral lessee ought not to be in a worse position.

As Mr. MacBain had stated, the Land Act 1869 expressly provided that the interest of the pastoral tenant in his licence, which was to continue for about ten years, was to be a chattel interest. It also provided that that interest might "be transferred by writing, attested by a justice." That being so, why was it necessary nowadays, when a lease for fourteen years was substituted for a licence for ten years, to create barriers to prevent the pastoral tenant obtaining the pecuniary
accommodation of which he might stand in need? It should be borne in mind that it was not sought by the amendment to free the pastoral lessee from his obligations not to sublet or subdivide his allotment; all that was asked was that he should be able to obtain pecuniary assistance without the Minister's intervention, and give security for that assistance.

Mr. SARGOOD stated that the assertion that the pastoral allotments would not be taken up if the condition as to assignment remained as it stood was contradicted by the experience obtained in connexion with the Mallee Act. The whole of the mallee country had been taken up by thoroughly sound tenants on exactly the same terms that the experience obtained in connexion with the Mallee Act. The whole of the mallee country had been taken up by thoroughly sound tenants on exactly the same terms that the experience obtained in connexion with the Mallee Act. Reference had been made to the power of intervention which would be exercised by the Minister of Lands, but, as he had already explained, the Minister was only one member of the Board of Land and Works, and, under the Public Service Act, that board would occupy in the future, with regard to the Minister, a very different position from that which it had occupied in the past. The board, as representing the State, would be in the position of landlord; and it was perfectly reasonable, in the public interest, that the board should have some say to prevent the possibility of a large tract of country falling into undesirable hands.

Mr. ZEAL contended that it would be impossible for a man with limited capital to comply with the condition as to improvements contained in the 5th sub-section of the clause if he could not go into the open market and borrow money.

Mr. COUTTS considered that the pastoral tenants should be allowed at least the same privileges with respect to borrowing as were to be enjoyed by the agricultural selectors, but to carry the amendment would be going too far.

Mr. MACBAIN remarked that he was quite unable to understand the position taken up by Mr. Sargood, because that honorable gentleman must be perfectly aware that in New South Wales a lease from the Crown was invariably regarded as a chattel interest. It would be unwise to interfere in any way with the legitimate management of pastoral allotments.

Mr. CAMPBELL observed that all the Government had in view was the establishment of a reasonable and proper check with regard to mortgages. They greatly objected to the State being compelled to recognize the rights of any mortgagee.

The committee divided on Mr. MacBain's amendment—

Ayes ... ... ... ... 11
Noes ... ... ... ... 10

Majority for the amendment 1

Mr. WALLACE drew attention to the 6th covenant, which was as follows:—

"A covenant that the lessee will not during the currency of his lease ring or destroy, or, except in the case of fencing or building on the land demised by such lease, cut down any timber in or upon such demised land, unless with the sanction of the board signified in writing and under the supervision of an officer appointed in that behalf by the board."

He begged to move the omission of all the words after "land" (line 5). The object of the amendment (said the honorable member) was to ensure proper care being taken of growing timber, because, if there was any laxity in the matter, the ringing of trees would be carried on to an extent most injurious to the interests of the mining community. In the case of many a pastoral allotment it would make a difference of at least £500 to the holder if he could ring the trees upon it. It was well known that in some parts of the country land capable of carrying only one sheep to twenty acres could be made, by clearing away the timber upon it, to carry at least a sheep to the acre. On the other hand, if the miners' supply of timber was cut off, there would be an end to the prosperity of, perhaps, the most important section of the Victorian community. It was the gold found in the soil that had built Melbourne, and, practically, made the
colony what it was; but, without timber, mining could not be carried on. It was wonderful how this point had been overlooked in another place. In short, the more he studied the Bill the more he hated it. The Government talked largely of how they were empowering the miner to mine on any land he chose, but of what use would facilities of that kind be to him if he could not cut a stick of wood for his claim? Ministers, the present Ministry especially, no doubt deserved every confidence, but it should not rest with them to say whether a pastoral tenant might or might not ring the trees on his allotment.

Mr. BROMELL thought Mr. Wallace's remarks went altogether too far, because he appeared to disregard the circumstance that the existing forest reserves of the colony would last the miners for many a generation to come. If the holders of pastoral country were to be prohibited from ringing any of the timber upon it, how could they possibly improve it to the proper pitch?

Mr. WALLACE said Mr. Bromell did not seem to understand the straits for timber to which the miners in many districts were now reduced. In his (Mr. Wallace's) part of the country they could only procure their timber from the surrounding selectors, and the consequence was that, in many instances, they were black-mailed in a terrible way. The effect of carrying the covenant as it stood would be to cut down the value of a miner's land he chose, but of what use would facilities of that kind be to him if he could not cut a stick of wood for his claim? Ministers, the present Ministry especially, no doubt deserved every confidence, but it should not rest with them to say whether a pastoral tenant might or might not ring the trees on his allotment.

Mr. BROMELL thought Mr. Wallace's remarks went altogether too far, because he appeared to disregard the circumstance that the existing forest reserves of the colony would last the miners for many a generation to come. If the holders of pastoral country were to be prohibited from ringing any of the timber upon it, how could they possibly improve it to the proper pitch?

Mr. WALLACE said Mr. Bromell did not seem to understand the straits for timber to which the miners in many districts were now reduced. In his (Mr. Wallace's) part of the country they could only procure their timber from the surrounding selectors, and the consequence was that, in many instances, they were black-mailed in a terrible way. The effect of carrying the covenant as it stood would be to cut down the value of a miner's right by at least one-half. At the present moment the mining community were looking to the Council for protection, and they ought to get it.

Mr. MELVILLE remarked that a number of other arguments might be adduced in favour of the amendment. The causes at present existing to discourage the growth of trees were altogether too numerous. Look, for instance, at the way in which wattle trees had been allowed to disappear. A few years ago everybody said there was plenty of wattle bark in the colony for every purpose; but now the supply had become extremely scanty. Supposing a large district was denuded of its timber for the sake of enabling it to carry a few more sheep, and that subsequently a rich gold-field was discovered there, what would be the consequence? Gold-workings could scarcely be carried on there at all. It was requisite that some check should be put upon the present waste of timber.

The Hon. J. WILLIAMSON considered that it was absolutely necessary for the welfare of the colony that great restrictions should be put upon the ringing of first-class timber. He had seen numbers of trees that would have been worth at least £10 each, if the timber could have been taken to market, simply ringed and allowed to rot.

The Hon. P. HANNA observed that the ringing of timber that was now going on would soon bring deep-sinking in many mining districts to an end. For example, what would become of the Chiltern Valley Mining Company, which used £5,683 worth of timber every year, if its supply of the article was cut off? Its operations would come to a full stop, and hundreds of working miners would be thrown out of employment. The growing timber of the colony could not be too strictly preserved.

Mr. ORMOND said there could be no doubt that the sheep-carrying capacity of land was often enormously increased by the ringing of the trees upon it, but it was impossible to overlook the serious consequences that would arise if trees were allowed to be ringed in a wholesale way. One result would be the decay of every industry requiring the use of timber, either as a raw material or as firewood.

The Hon. H. H. WETTENHALL said he quite sympathized with Mr. Wallace's amendment, but he felt that if it were carried the Government might just as well throw up the Bill. Not that he would greatly complain if that course was followed, because he believed that all the land reform the country wanted was permission to married women to select, and the throwing open to selection of all the Crown lands fit for the purpose. In truth, he greatly feared that carrying the measure into law would be the means of doing a fatal injury to the rising generation. With respect, however, to the ringing of trees, it would be quite sufficient for the interests of the miners and of every one else concerned to give the Government full power to say what trees should or should not be preserved. It was impossible to lose sight of the fact that, when land was so improved by the ringing of the trees on it that it would carry a sheep to the acre instead of a sheep to twenty acres, a distinct benefit was conferred upon a permanent industry, whereas mining was, at the best, only a very evanescent one.

Mr. SARGOOD observed that he was sure there was not a single honorable member ready to advocate an indiscriminate cutting down of trees, or the taking of any step that would lessen the supply of timber, the keeping up of which was of vital importance to the best interests of the colony.
At the same time every one must be familiar with the fact that there were many tracts of country the forest growth of which might be reduced with great advantage. No doubt the mining industry was of the utmost value to the community, and no doubt it was admirably represented by Mr. Wallace, but there were in the other Chamber Members of Parliament who were as deeply concerned in its behalf and as familiar with its wants as he was, and they were firmly of opinion that under the Bill, as it stood, every precaution that ought to be taken for the preservation of timber was taken. There was not the slightest intention on the part of the Government to allow the pastoral tenants to ring timber as they chose. On the contrary, the terms of the covenant were calculated to keep the ringing of timber within the strictest possible limits. Not a tree could be ringed without the consent of the Board of Land and Works. (Mr. Wallace—"But there will be 'palm-oil.'") Why had the honorable member such a dread of corruption all round? There was surely nothing to justify a supposition on his part that all men were rogues. It was, indeed, certain that most men were honest, or the world would not be worth living in. The honorable member seemed to think that under the Bill the country would be so occupied that the miner would have nowhere to go for his timber, but, as a matter of fact, the timber on pastoral land would be as open to him in the future as it was at the present moment. Important as the mining interest might be, there were in the country other interests equally deserving of consideration.

Mr. MACBAIN stated that he would oppose the amendment, because the effect of carrying it would be to tie up a large area of country in which it was impossible there could ever be gold diggings, but which might be enormously improved for pastoral purposes if the trees upon it were properly thinned. Perhaps it would meet Mr. Wallace's views if the ringing of trees was strictly prohibited within a radius of five miles from any known goldfield.

Mr. WALLACE remarked that he was firmly convinced that it would be a tremendous mistake to allow the sub-section to pass as it stood. The Minister of Defence referred to the great quantity of Crown lands, but every acre of land would be taken up under the Bill. The timber would be destroyed on the 320-acre blocks, and it would be very easy for the pastoral lessees to secure the ringing of the timber on their land by engaging men privately to do it, and then, in order to evade the consequence, summoning them before the police court, and having them fined.

Mr. COUTTS said he agreed with Mr. Wallace that it was necessary to be very careful with regard to timber that was of value for mining purposes, but in some parts of the colony there were large quantities of timber which was utterly useless for mining purposes, and he could not support the amendment, as it would prevent any kind of timber from being cut down. The undergrowth, at all events, should be got rid of.

Mr. ZEAL asked what was to become of the country if all the timber on the ranges was killed off? (Mr. Sargood—"There are plenty of reserves.") According to the revised maps, the State forests and timber reserves formed only a very inconsiderable portion of the various counties. It was to be recollected that the destruction of timber seriously diminished the rainfall, and the Government proposed to distribute over the colony a lot of devastating agents who would destroy all the valuable timber in the country. (Mr. Sargood—"That is not proposed in the Bill.") That would be the effect of the proposal. Power was taken to allow pastoral occupants to destroy the whole of the timber on their land. It was not even if the timber was to be cut down, and the State was to receive the value of it, but it was to be rendered utterly useless to any one by being ringed, and allowed to decay. Mr. Bromell spoke of the quantities of timber yet remaining, but he (Mr. Zeal) might point out that, 20 years ago, the Black Forest was supposed to contain enough timber to supply Melbourne for a century, and now there was not a stick of it left. He would certainly support the amendment, in the interests of the miners and of the community generally.

Mr. BROMELL thought that far too much was being made of the proposed power to allow ringing. The sub-section provided that lessees could not ring without the written consent of the Board of Land and Works, and it was not likely that the destruction of timber valuable for mining purposes would be allowed or desired. The class of timber that would be ringed would be timber that would be of no use whatever for mining purposes. There was a large area of land reserved round each of the mining centres where timber for mining could be procured.
The Hon. J. Buchanan remarked that it was difficult to frame one provision which would suit all parts of the colony. There was a great deal of land between Melbourne and Gippsland which was absolutely worthless unless something was done in the shape of ringing the timber on it. There must be a discretionary power placed somewhere, and therefore, while he was opposed to indiscriminate ringing, he would support the sub-section as it stood.

Mr. Campbell said he could not understand how the amendment had been submitted in the interests of the miners, as its effect would be to prevent timber being cut down even for mining purposes. His sympathies were entirely with the mining community, but it must be remembered that there were timbered lands hundreds of miles away from mining which would be absolutely useless unless ringing was allowed. Discretion must rest somewhere, and he thought that no danger could result from passing the sub-section.

Mr. Fitzgerald suggested that Mr. Wallace's desire to protect the mining industry would be gained if the word “ringing” were struck out of the sub-section. Mr. Wallace did not want to prevent timber from being cut down when it was wanted for ordinary purposes, but to prevent the absolute devastation of the country by making all the timber worthless, and that object was deserving of sympathy.

Mr. Bromell remarked that if ringing were not allowed it would cost more to cut down the timber than the land, in many cases, would be worth. Consequently the land would not be taken up at all. He could not at all agree with the suggestion of Mr. Fitzgerald.

Mr. Ormond observed that Mr. Wallace had referred more particularly to the north-eastern district, and he (Mr. Ormond), from his acquaintance with the south-western district, could say that a very large tract of it was very sparsely timbered indeed. On the plains, from Geelong to Hamilton, 120 miles in length by 30 or 40 miles in width, there was very little timber. In a few years Ballarat would be without timber for any purpose, and Geelong, which formerly had a supply of timber at its doors, had now to send 20 miles to obtain a stick of firewood. He thought it was a great pity to destroy the timber, and that, on the contrary, every encouragement should be given for growing timber—say on the useless roads. Some provision might be made for allowing the scrub and undergrowth to be cut down so that the land might be grazed, but the wholesale destruction of timber would be detrimental to every interest by decreasing the rainfall.

Mr. Bromell stated that in the Creswick and Ballarat districts there were large timber reserves which were carefully preserved, and which, he believed, in five or six years would afford an ample supply of timber for the mines.

Dr. Hearn observed that he coincided with Mr. Buchanan's remark that it was exceedingly difficult to frame a single provision to apply to every part of the colony. The effect of the amendment would be that in every portion of the colony the lessee of a pastoral allotment would be absolutely barred from destroying any timber except for the purpose of fencing or building, and such a provision would be simply intolerable. He drove that morning through a considerable tract of land covered with small gum trees, which would be absolutely worthless unless the trees were allowed to be ringed. If Mr. Wallace wanted an Act of Parliament to apply to his own province alone, he had better get one, but, until he did, it would be well if he would allow other parts of the colony which were not similarly circumstanced to be dealt with in the way that suited them. It seemed absolutely necessary that there should be some kind of discretion, and the only discretion he (Dr. Hearn) knew of, although it might not be all they could wish, was that provided for in the clause. If it was provided, as a general rule, that every lease should contain a covenant against the destruction of timber, it was also necessary to provide some means of obviating the effect of that covenant, and the only means possible was to empower the proper authorities to allow ringing to be carried on where it was necessary.

Mr. Wallace remarked that he would be quite willing to withdraw his amendment if Dr. Hearn would prepare a clause providing for the preservation of the timber in the north-eastern district. If honorable members would not look after the interests of their own districts, that was their business, and he would be satisfied if his district was saved.

The committee divided on the question that the words proposed to be omitted stand part of the sub-section—

| Ayes | 14 |
| Noes | 8  |

Majority against the amendment 6
The amendment was agreed to.

Mr. WALLACE called attention to the 11th covenant, which was as follows:

"A condition reserving to each and every other lessee of any pastoral allotment the right of ingress, egress, and regresse to and from his pastoral allotment through, from, and to any public road or track, subject to regulations to be made by the Governor in Council." He did not see why the public should not have the right of travelling over pastoral allotments. He would suggest that the covenant should be amended so that any person who wished to go across any pastoral allotment should be enabled to do so, instead of the right being limited to "each and every other lessee of any pastoral allotment."

Mr. SARGOOD remarked that each pastoral allotment would be intersected by roads, which, of course, the public would have the right to use. This covenant was simply to reserve to every pastoral lessee free ingress, egress, and regresse to and from his allotment.

Mr. WALLACE contended that by the terms of the covenant a miner might be prevented from going across a pastoral allotment.

Mr. SARGOOD stated that the rights of miners were fully conserved by the latter portion of the 10th covenant, which provided that:

"Nothing contained in any of these covenants or in this Act shall be construed to give a better tenure to the lessees in regard to the right of miners to enter upon such leased land in search of gold than was possessed by pastoral tenants under the Land Act 1869."

Mr. CUTHBERT expressed the opinion that there was no necessity to alter the terms of the 11th covenant. He, however, desired to call attention to the 18th covenant, which enabled the Crown, on giving three months' notice, to resume possession of any portion of a pastoral allotment "upon payment to the lessee for his interest in such lease, together with the value of houses, fences, wells, reservoirs, tanks, dams, and of all substantial and permanent improvements made, erected, or constructed by the lessee prior to the date of such notice, and during the currency of his lease, on the lands so resumed." By the 8th covenant the Crown could, at any time, resume possession of any portion of a pastoral allotment required for public purposes, without notice, and without compensation, but before any portion of an allotment could be resumed under the 13th covenant three years' notice was required, and compensation must be paid. What reason was there for making this distinction?

Mr. SARGOOD stated that the land to which the 13th covenant was applicable consisted of large areas, but only comparatively small areas would be resumed under the 8th covenant.

Discussion took place on clause 26, which was as follows:

"Upon the expiration of the term of the lease of any pastoral allotment, the lessee thereof, or his executors, administrators, or assigns, shall be paid by any incoming tenant the value of all fences, wells, reservoirs, tanks, and dams made, erected, constructed, or effected during the currency of his lease on the land demised by such lease and calculated to increase the capability of carrying sheep or cattle of such land: Provided that the sum to be paid in respect of such improvements shall not exceed the sum expended thereon by the lessee, his executors, administrators, or assigns, and shall in no case exceed the sum of 2s. 6d. per acre of such land, and that the sum to be so paid shall be determined in accordance with regulations in that behalf to be made by the Governor in Council."

Mr. BROMELL moved that "5s."

be substituted for "2s. 6d." as the maximum sum per acre to be paid to the outgoing lessee for improvements.

Mr. SARGOOD remarked that 2s. 6d. per acre would represent £5,000 on an allotment of 40,000 acres. He thought that the maximum proposed by the clause was quite large enough, and that the effect of requiring an incoming tenant to pay more than 2s. 6d. per acre for improvements would be tantaamount to giving the first tenant permanent occupation of the land.

Mr. BROMELL stated that fencing an allotment would cost £40 or £50 per mile. It would, therefore, be absurd and unjust to limit the compensation for improvements to 2s. 6d. an acre.

Mr. FITZGERALD admitted that 2s. 6d. per acre appeared to be a small sum to allow as compensation for improvements;
but he thought that the effect of requiring an incoming tenant to pay a larger amount would probably be to give the first lessees a monopoly of the land.

Mr. CAMPBELL reminded the committee that it was intended to insert a clause to entitle the lessee of a pastoral allotment to acquire the fee-simple of 320 acres of his allotment. The principal improvements would, no doubt, be made on those 320 acres; and to entitle the lessee to 2s. 6d. per acre as compensation for other improvements was dealing with him very liberally.

Mr. BRO'MELL said 5s. per acre would probably not be one-fourth of the cost of the improvements, and therefore the amendment would be a very reasonable one.

Mr. WILLIAMSON said he did not think it would be equitable to limit the compensation to 2s. 6d. per acre, especially as it was proposed to entitle the lessees of agricultural and grazing allotments to 10s. per acre as compensation for improvements.

Mr. WALLACE concurred with the Government proposal.

Mr. BELL recommended the withdrawal of the amendment.

Mr. MELVILLE said the effect of the amendment would simply be to enable the first lessees to retain possession of the land.

The amendment was negatived without a division.

Mr. CUTHBERT moved that the following words be added to the clause:—

"Provided that a pastoral allotment may be subdivided upon application to the board, who may approve of the lines of subdivision, or may determine such lines."

Mr. SARGOOD remarked that the object which Mr. Cuthbert had in view would be met without the amendment. If he found that such was not the case, he would, at a subsequent stage, submit an amendment to give effect to the honorable member's intention.

Mr. CUTHBERT said he was perfectly satisfied with this assurance.

The amendment was withdrawn.

Progress was then reported.

MALabee PASTORAL LEASES ACT AMENDMENT BILL.

A Bill to amend the Mallee Pastoral Leases Act 1883 was received from the Legislative Assembly, and was read a first time.

The Hon. F. T. SARGOOD said he must ask permission to carry the Bill through all its stages. In the Mallee Pastoral Leases Act, passed last year, provision was made that in the election of vermin boards each lessee of an allotment in the mallee fringe (as contrasted from the lessee of a mallee block) who paid rent of not less than £10 should have one vote. Owing to the large number of applications, and the consequent necessity for dividing many of the allotments in the mallee fringe, the vast majority of the lessees paid a less rent than £10; and if the terms of the Act of last session were adhered to, only 95 of the 535 lessees of mallee allotments would be qualified to vote in the election of vermin boards. The object of the Bill was to enable the whole 535 lessees to vote. The measure, having been regarded as urgent, had been passed through all its stages in another place that day, and he hoped the Council would not object to deal with it in a similar fashion. He begged to move that the Bill be read a second time.

The Hon. H. CUTHBERT suggested that the Bill should be printed, and the second reading made an order for the following day. Honorable members would probably, by that time, come to the conclusion that the Bill was one of urgency, and ought to be passed through its remaining stages without delay. In his opinion, a sufficient case had not been made out for proceeding further with the measure at this sitting.

The PRESIDENT.—If the honorable member objects to the second reading being taken now, the motion cannot be put.

Mr. SARGOOD remarked that the elections for vermin boards were now taking place, and considerable inconvenience would be sustained unless the Bill passed the Council forthwith.

The Hon. W. E. HEARN said he was unable, so far, to realize any case of urgency to warrant the very unusual step now proposed.

The PRESIDENT.—I have again to intimate that, if any honorable member objects, the motion cannot be put.

Mr. SARGOOD observed that the Government, who were fully cognizant of the facts, were satisfied that the case was one of emergency; and, if honorable members objected to the Bill being proceeded with, he must throw upon them the responsibility which the delay would involve.

The PRESIDENT.—If there is no objection, I will allow the Minister of Defence to proceed.

The motion was agreed to.

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

On the 1st and only clause, repealing the words "of not less than £10 per annum" contained in the 5th schedule to the Mallee Pastoral Leases Act,
The Hon. J. MACBAIN asked whether the clause would interfere with the interests of the lessees of the larger areas—the mallee blocks? (Mr. Sargood—"Not the slightest.") He was anxious that those who had been induced to take up the largest portion of the mallee country should not, by this Bill, be placed in a minority in the election of vermin boards.

Mr. SARGOOD stated that the Bill would not affect the holders of the large blocks in the slightest degree. The districts were distinct. He had the assurance of the Minister of Lands to that effect.

The Hon. J. CAMPBELL remarked that some of the vermin board elections took place the following day, and others the day after. The Bill, having been gone through, was reported without amendment.

Mr. SARGOOD moved that the Bill be read a third time.

Dr. HEARN observed that he could not allow such a course as the House was now adopting to be indulged in without some word of remonstrance. Honorable members were asked to legislate upon a matter of which they knew nothing whatever. What they were doing was being done simply upon the assurance of the Minister of Defence, and that honorable gentleman must take the entire responsibility connected with the transaction. He was at a loss to understand why the Bill could not have been introduced before, so that honorable members might have had the opportunity of legislating in some sort of reasonable way. To legislate as they were doing now, without even seeing the Bill, was to create the worst precedent which had been established this session. He did not like to take upon himself the responsibility of saying that the Bill was not a matter of urgency when Ministers said it was, because he did not pretend to know anything of the subject, and they, he presumed, had the necessary knowledge. For all that, he considered they were setting an example which certainly was not one that ought to be followed. He submitted to it with extreme reluctance.

Mr. MACBAIN stated that he fully concurred in the views expressed by Dr. Hearn. He was absent from the colony when Parliament passed the Mallee Pastoral Leases Act, and therefore he would have been glad to have the opportunity of judging whether the amendment of the law now proposed was required, and whether it was calculated to interfere with the vested rights of those to whom the Government were indebted for taking up the large mallee blocks. If the measure affected those persons in any way, the result would be that he would never again consent to a Bill introduced by the present Government, however urgent it might be, being passed through all its stages at one sitting.

Mr. SARGOOD remarked that he was sorry, after the assurance he had given, that Mr. MacBain should indulge in anything partaking of the character of a threat. He hoped that, so long as he sat in the House, every statement he might make would be accepted as honestly as he gave it. He would again repent that he had been informed by the Minister of Lands, whose word he would take as readily as he would take Mr. MacBain’s, that the Bill was a measure of emergency, and that it would not affect the holders of the large mallee blocks—they being in a different vermin district from that occupied by the lessees of the mallee allotments. It had always been his wish, and it would continue to be his wish, to give honorable members the fullest information about every matter which he had to submit to their notice; but occasions would arise when, in the public interest, the House had to be asked to allow a departure from the ordinary practice.

Mr. MACBAIN explained that he did not intend to cast the slightest reflection upon the veracity or honour of the Minister of Defence. All that he desired to convey was that he was entirely ignorant of the Mallee Pastoral Leases Act, and that, therefore, he had difficulty in realizing what would be the effect of the Bill.

The Hon. T. F. CUMMING said he considered it very undesirable to allow any Bill, no matter how urgent, to pass through all its stages in one night.

The Bill was then read a third time and passed.

The House adjourned at ten minutes to eleven o'clock.

LEGISLATIVE ASSEMBLY.

Tuesday, November 11, 1884.


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

Petitions in favour of the continuation of the grocers' (single-bottle) licence were presented by Mr. Hunt, from residents in the Kilmore district; by Mr. Diamant, from residents of Port Melbourne; and by Mr. Officer, from residents of Hamilton and the vicinity.

AGENT-GENERAL’S ACT AMENDMENT BILL.

Mr. Kerferd presented a message from His Excellency the Governor, recommending an appropriation from the consolidated revenue for the purposes of a Bill to amend an Act intituled "an Act to make better provision for the office of Agent-General."

The message was ordered to be taken into consideration the following day.

LOAN BILL.

Mr. Kerferd presented a message from His Excellency the Governor, recommending an appropriation from the consolidated revenue for the purposes of a Bill to authorize the raising of money for the redemption or payment of certain debentures, and for other purposes.

The message was ordered to be taken into consideration next day.

Subsequently,

Mr. Service moved for leave to introduce a Bill to authorize the raising of money for the redemption or payment of certain debentures, and for other purposes.

Mr. Kerferd seconded the motion, which was agreed to.

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

ART UNIONS.

Mr. Billson said that, the previous Wednesday, he asked the Chief Secretary a question with reference to a certain art union advertised in the newspapers, and the honorable gentleman promised to ascertain whether it could be legally held. He begged to inquire if the Chief Secretary was now in a position to answer the question? He would also take the opportunity of explaining that the particular art union to which he alluded was not the only one to which attention might be directed, and that he had no wish to imply that the religious body under whose auspices it was being conducted was as guilty in that respect as any other church. At bazaars held to raise funds for church purposes it was a constant practice to get up what were called "art unions," which were really only another name for "sweeps," "raffles," and "lotteries." The Legislature had passed an Act that was intended to prevent such transactions, and he thought it was high time that they were put a stop to. Young people of both sexes took part in the art unions that were held in connexion with church bazaars, and such practices were calculated to foster in them a propensity for gambling, which would probably cling to them throughout the whole of their future lives. One art union to which he might specially direct attention had been advertised for a long while by a Mr. Bridges, and probably when the time came for drawing the prizes not more than one-third of the money which had been subscribed would be distributed amongst the public. If the present law was not sufficient to prohibit the various kinds of art unions which were constantly being carried on, the Government ought to introduce a short Bill to amend it, so that the intentions of the Legislature might be thoroughly carried into effect.

Mr. Berry stated that he was not in a position at present to give a definite assurance to the question whether or not the art union to which the honorable member for the Ovens (Mr. Billson) referred the previous Wednesday was in contravention of the law. He had, however, called the attention of the Chief Commissioner of Police to the matter, and inquiries were being made in regard to it. The whole point turned upon whether that particular art union was purely for a charitable purpose, and therefore permissible under the existing law.

GOVERNMENT ADVERTISING.

Mr. Graves asked the Treasurer whether the Government had any objection to lay before the House a return showing how the advertising vote for the year ending June 30, 1884, had been disposed of, specifying the amounts paid to the various newspapers? It had been customary to lay before Parliament a return showing the distribution of the advertising vote, but the practice had not been followed during the last two years, the latest return of the kind having been presented in 1882, when the O'Loghlen Ministry were in office.

Mr. Service said that personally he had nothing to do with distributing the vote for Government advertising, and he believed that the distribution took place entirely through the Government Printer. There
was no objection to furnish the return desired by the honorable member for Delatite, and, if the honorable member would give notice of motion for the return, the Government would see that the motion was placed in the "unopposed" list.

Mr. GRAVES gave notice of motion for the following day.

MALLEE PASTORAL LEASES ACT AMENDMENT BILL.

Mr. KERFERD moved, without notice, for leave to introduce a Bill to amend the MalIee Pastoral Leases Act, and said that he would ask that the standing orders be suspended, with the view to the measure being passed through all its stages at that sitting, if the House concurred with the Government that this was a desirable course to take. It would be remembered that under the MalIee Act a portion of the mallee country, known as the mallee fringe, was divided into allotments. The success of that part of the Act had been so marvellous—that was to say, the number of applications for allotments had been so great—that the allotments had had to be subdivided into two, and in some cases into four. The result had been that, whereas a year or two ago there was not a soul in that part of the country, there were now 525 lessees of mallee allotments. Of those only 95 were qualified to vote for the election of vermin boards, because the 5th schedule to the MalIee Act provided that no lessee of a mallee allotment could vote unless he paid a rent of not less than £10 per annum, and the rent paid by many of the lessees was much smaller, varying from £1 to £4 per annum. It was, however, only right that all the lessees should have a voice in the election of the persons who were to exercise the compulsory powers conferred on those boards. The Bill which he desired to introduce proposed to repeal the words "of not less than £10 per annum," so that the portion of the schedule in question would then read—"Every lessee of a mallee allotment paying a rent shall have one vote." One election took place on the 8th inst., and possibly it might be questioned, and two others would take place in a few days—one on the 13th, and the other on the 15th inst.—so that he hoped that the House would agree to allow the Bill to be introduced and passed through all its stages forthwith.

Mr. SERVICE seconded the motion.

Mr. W. MADDEN, in supporting the motion, remarked that the vermin boards had very important work to perform, as the rabbits, unfortunately, were rapidly increasing, notwithstanding what had been done by the Government to exterminate them. It was only right that every occupier of a mallee allotment should have a voice in the election of the members of the board for the district within which his land was situated, but, unless the Bill which the Attorney-General desired to introduce was passed at once, all the smaller men would be disfranchised at the forthcoming elections.

The motion was agreed to.

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

On the 1st and only clause, which was as follows:—

"The words 'of not less than £10 per annum' in the 5th schedule to the MalIee Pastoral Lease Act 1888 are hereby repealed, and shall be deemed to have been repealed from the date of the passing of the said Act."

Mr. BOSISTO expressed the opinion that the Bill did not go far enough. Many of the mallee allotment lessees lived 25 or 30 miles distant from where the elections would be held, and probably few of them would take the trouble to travel that distance in order to record their votes. Regulations were framed, either at the instance or with the approval of the Attorney-General, under the Pharmacy Act whereby votes could be recorded by proxy in connexion with the Pharmacy Board, and if the honorable gentleman could see his way to make similar regulations in order to enable the electors of the vermin boards to vote by proxy, it would be a great advantage to do so. It could then be said that every lessee of a mallee allotment would really have a vote.

Mr. KERFERD intimated that he approved of the suggestion, and would endeavour, if possible, to give effect to it.

The Bill, having been gone through, was reported without amendment, and was afterwards read a third time and passed.

VICTORIAN WATER CONSERVATION ACTS AMENDMENT BILL.

Mr. KERFERD (in the absence of Mr. DEAKINS) moved for leave to introduce a Bill to amend the Victorian Water Conservation Acts 1881 and 1883.

Mr. SERVICE seconded the motion, which was agreed to.

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

RAILWAY CONSTRUCTION BILL.

The amendments made in this Bill, in committee, were taken into consideration.
On the amendments made in clause 3, containing the list of new railways proposed to be constructed,

Mr. BAKER asked whether it was intended that the Horsham and Natimuk Railway should be taken into the township of Natimuk?

Mr. GILLIES said that it was not intended to take the line into the township. He believed that it would go about a mile from the township.

Mr. MASON called attention to the new sub-section providing for the extension of the Dandenong and Leongatha line to Port Albert, and expressed the opinion that the effect of mentioning Leongatha would be to mislead. Leongatha was not a township, but a parish—a parish in the midst of a forest. He considered it would be much better to provide in one sub-section for a railway from Dandenong to Port Albert or Alberton. (Mr. Gillies—"It is really all the same.") When the line was constructed, it would be known as the Dandenong and Port Albert line.

Mr. KEYS proposed that the new sub-section authorizing a railway to Fern-tree Gully be amended so as to provide that the line should commence "at or near Oakleigh," instead of "at a point on the Lilydale Railway in the parish of Ringwood." He regretted that he had not the opportunity of moving this amendment in committee. He was at a loss to understand why the Government proposed to take the Fern-tree Gully line from Ringwood. There were not half-a-dozen habitations between Ringwood and Fern-tree Gully, and the land was not fit even for pastoral purposes; and, therefore, no intermediate traffic could be expected. Then, again, Ringwood was an objectionable starting place, owing to the gradients and curves on the Lilydale line. In support of this view, he might state that some eighteen months ago the local board of advice applied to the Railway department for an excursion train to convey the children who attended the State schools in Fitzroy to Lilydale, and the concession was refused, on the ground that the conveyance of those children would occupy from five o'clock in the morning until one o'clock in the afternoon. As a matter of fact, not more than two or three hundred people could be conveyed at one time along the Lilydale line. This showed that the line was not fit for excursion traffic; and the traffic to and from Fern-tree Gully would be chiefly excursion traffic. On the other hand, between Oakleigh and Fern-tree Gully there was a thickly-populated district. The land was occupied by men who purchased from the Government, at high prices, some twenty-five or thirty years ago. The population, excluding all within a radius of one mile from Oakleigh, numbered 2,377; the quantity of purchased land (exclusive of 10,563 acres in Mulgrave) was 36,441 acres, of which 6,204 acres were under cultivation, 839 acres consisting of orcharding. Therefore he had no hesitation in asserting that a line from Oakleigh to Fern-tree Gully would, from the first, be a paying line, whereas he believed that a line from Ringwood would never pay at all. With regard to distance, which was a material consideration in the eyes of holiday-makers, the Oakleigh route had greatly the advantage. The distance from Melbourne to Fern-tree Gully via Ringwood would be 23$\frac{1}{4}$ miles, whereas via Oakleigh it would be no more than 19$\frac{1}{2}$ miles. (Mr. Gillies—"As the crow flies.") The distance from Melbourne to Oakleigh by railway was 82 miles, and the distance from Oakleigh to Fern-tree Gully by road, which was marked by as many angularities as the interior of the Parliament-buildings—angularities which would be avoided in the construction of a railway—was 11 miles, making in all 204 miles, as against 23$\frac{1}{4}$ via Ringwood. He believed the only objection which the Ministry could have to the amendment was that it would involve an additional three miles of railway construction, the distance from Ringwood to Fern-tree Gully being only 7 miles 75 chains, while the distance from Oakleigh was 11 miles. He was not in a position to say what the extra cost would be; but he was prepared to accept the estimate of the Railway department, that, while the cost of a line from Ringwood would be £4,107 per mile, the cost of a line from Oakleigh would be £4,000 per mile. (Mr. Gillies—"£4,800.") In a document signed by Mr. G. C. Darbyshire, he found it stated—

"Presuming that the cost of the land required for the lines from near Glen Iris and Oakleigh to Fern-tree Gully would be in the same proportion as estimated for those from Dandenong and Ringwood, then it is probable that the Glen Iris and Oakleigh lines could be each constructed for £4,000 per mile."

He admitted that the land which the State would have to acquire for the purposes of a line from Oakleigh would be more costly than the land through which the Government proposed to take their line. But that was an argument in favour of the amendment, because the more costly the land the greater were the probabilities of payable
Traffic. However, he had in his possession a document signed by the owners of land in that portion of his district through which the line from Oakleigh would pass, undertak­ ing to give the land required for the line at the Government valuation. He would impress upon the House that, if the line via Ringwood were authorized, passengers for all time to come would have to travel an extra four miles, which meant an additional charge of sixpence for every journey to Fern-tree Gully. One other matter which ought to be considered was that the business connexions of the people living in the neighbourhood of Fern-tree Gully were with South Yarra and Prahran, and he considered it would be cruel to interfere with those business connexions as they would be interfered with if railway communication with Fern-tree Gully were to be established by means of the Lilydale line. A further consideration was that it was only by means of such a line as he proposed, and he was satisfied of this from the knowledge he pos­ seded of the country, that railway com­munication with Gembrook could properly be established. He might add that two years ago he had the honour of presenting to the Assembly a petition signed by 1,500 persons in favour of the Oakleigh line.

Mr. J. HARRIS considered that the arguments advanced by the honorable mem­ ber for South Bourke in support of the amendment were unanswerable. He did not suppose the people of Fern-tree Gully cared much how they were reached by rail­way—whether by a line via Oakleigh, or a line via Ringwood; and he submitted that the Oakleigh line should be chosen as the one which would best suit the convenience of the people of Melbourne and its suburbs. Moreover, it had this advantage: it would go through populated and fertile country, whereas the Ringwood line would go through poor country. He had no doubt that a line from Oakleigh to Fern-tree Gully would pay as well as any line authorized by the Bill.

Mr. GILLIES remarked that he would be very glad if he could see his way to accept the amendment; but he was bound to say that it would involve the expenditure of a large sum of money. The extra cost entailed by taking the line to Fern-tree Gully from Oakleigh instead of Ringwood would be £83,000; and he did not feel jus­ tified in recommending an expenditure of £62,000 on a pleasure line—on a line which would be employed chiefly in convey­ ing pleasure-seekers from Melbourne and the suburbs to Fern-tree Gully and back.

When a line to Fern-tree Gully was first proposed, the idea was that it should go from Dandenong. That was what was pro­ vided for in the Bill of 1882 when it was originally submitted to the Assembly, but the honorable member for Brighton after­ wards went over the country, and finding that a line from Ringwood would be very much shorter, and would go through com­ paratively easy country, he induced the Assembly to make Ringwood the starting place. He (Mr. Gillies) was aware that more persons lived on the Oakleigh route than on the Ringwood route, but that he did not consider a sufficient justification for incurring the extra cost which the adoption of the amendment would involve.

Mr. FINCHAM stated that he was aston­ ished at the speech of the Minister of Railways. Would the honorable gentleman say that the gradients on the railway from Hawthorn to Lilydale were not of such a character as to more than counterbalance the extra cost which would be involved by the adoption of the Oakleigh route to Fern­tree Gully? (Mr. Gillies—"The gradient is 1 in 40 in each case.") He knew the country, and he believed a better and cheaper line than either the one provided for in the Bill, or that contemplated by the amendment, could be made; but what he had to com­ plain of was that honorable members were asked by the Minister of Railways to autho­ rize works without being furnished with a sufficient amount of reliable information to enable them to come to correct conclusions. He considered that honorable members who acquiesced in such a procedure were guilty of a national crime.

Mr. WALKER remarked that the hon­orable member for Ballarat West (Mr. Fin­ cham), although virtually indignant about public money being squandered on railways with respect to which the House stood in need of information, at the same time ad­ vocated a line about which neither he nor anybody else knew anything. The hon­orable member ought to be a little consistent. The line from Ringwood to Fern-tree Gully was a line which was authorized by the As­ sembly in 1882, and about which the House had as much knowledge as it had of any line in the Bill. It had been proposed by the Government on the understanding that lines authorized in 1882 had a prior claim; and why should it be abandoned now in favour of a line which, according to a map circulated by the proposer of the amendment, would be twice as long?

The amendment was negatived.
Mr. WALKER inquired whether provision would be made in connexion with the intended duplication of the line from Hawthorn to Camberwell for securing the safety of foot-passengers crossing the line at Camberwell station? Already there had been a number of narrow escapes from injury, owing to the locomotives shunting over the level crossing there. Something had been said about the construction of a sub-way for foot-passengers, and he would be glad to hear that such an arrangement had been decided upon.

Mr. GILLIES stated that no provision had as yet been made for the construction of a sub-way. (Mr. Walker—"Will any provision be made?") He would, if possible, inform the honorable member on the subject the following day.

Mr. GRAVES asked that the Yea and Mansfield Railway should be continued for a short distance beyond the terminal point defined in the schedule of the line. He said the extension would greatly accommodate a number of the residents of the locality.

Mr. GILLIES stated that he would inquire into the advisability of complying with the honorable member's request.

Mr. BENT said he wanted to know whether Ministers had really made up their minds to omit from the Bill any provision for a line from Frankston to Mornington, and one from Beaconsfield station to Beaconsfield? The total length of both would not be more than eleven miles, and the accommodation they would afford would be so very great that, now that all danger of the Bill breaking down by its own weight had disappeared, their inclusion in the measure might well be reconsidered.

The amendments made in committee were adopted.

Verbal amendments were then made in several of the clauses and schedules.

Mr. HALL moved that the 29th subsection (Numurkah and Nathalia Railway) of clause 3 be amended by the substitution of "Picola vía Nathalia" for "Barwo," as the terminal point of the line. He stated that the alteration would make the railway seven miles longer, but with the result that it would run nearer Nathalia, and at the same time open up some 60,000 acres of magnificent redgum forest country. A number of enterprising persons were so anxious for this extension that they were willing to contribute £25,000 towards its cost.

Mr. GRAHAM supported the amendment.

Mr. BENT expressed the opinion that the amendment was a very proper one, and ought to be adopted. Redgum was becoming scarce, but, if the the forest country the honorable member for Moira (Mr. Hall) referred to was opened up, the market could be well supplied.

Mr. MIRAMS remarked that the sawmill proprietors concerned ought to make a railway for themselves, as the Cape Patterson coal-mine owners were told to do.

Mr. W. M. CLARK suggested that, if there was any difficulty about the proposed railway, it could be met by striking out the sub-section altogether.

The amendment was negatived.

Mr. GILLIES moved that the 40th subsection (Yea and Mansfield Railway) of clause 3 be amended by the addition of the following words:

"With a branch commencing in the parish of Molesworth, and terminating at or near Ainsworth Gap, in the parish of Alexandra, in the line and upon the lands described in the second part of the 51st schedule hereto, to be called the Alexandra Branch Railway."

The amendment was agreed to.

Lt.-Col. SMITH moved the addition to clause 3 of the following sub-section:

"A railway commencing at or near the Boort railway station, proceeding via Kerang, and terminating at or near Koondrook."

He said the formal proposal to establish railway communication between Boort and Swan Hill via Kerang having been rejected, he wished to ascertain whether it was possible to adopt a route which all the parties interested in a line to Swan Hill could accept as a compromise. He and his colleagues had lately received several communications from a number of the settlers in the Boort district who had a great desire for railway connection with what he might call the Ballarat side of the colony, as well as with the side served by the main line to the Murray; and he believed their wishes, and the wishes of others concerned, would be met by the construction of the line he proposed. It would be eighteen miles shorter than the route from Kerang to Swan Hill, and it would carry the traffic of a thickly settled district in a way that would be singularly serviceable to its inhabitants. In fact, it would connect them, via Maryborough, with the sea-board both at Geelong and Melbourne, and, by enabling them to save freight to the extent of from 8s. to 12s. per ton by one route, and of from 6s. 6d. to 10s. 6d. per ton by the other route, make a difference to them equivalent to the difference between their carrying on their farming operations at
Railways Bill. [November 11.] Boort and Koondrook. 2085

Mr. GILLIES remarked that this line was asked for as a compromise instead of the line from Kerang to Swan Hill, but honorable members must see that it would be no compromise at all. If the line was constructed at all, it must be considered an additional line, and to speak of it as a compromise was a misuse of terms. The Government were bound to oppose the proposal.

Mr. BENT observed that as one who had always supported the Kerang to Swan Hill line, he thought those honorable members who were in favour of that national line ought to stick to it. The best policy was to go straight, and he did not think that some honorable members were going straight on the present occasion. If, as he and other members had been given to understand, the Government had agreed to support the present line, it might have been regarded as a compromise, but it was evident from the statement of the Minister of Railways that the Government had not agreed to it. He (Mr. Bent), therefore, regarded the proposition as simply a red herring drawn across the trail, and he would ask those honorable members who considered the line from Kerang to Swan Hill as the proper thing to pin their faith to it, and stand or fall by that proposal. (Lt.-Col. Smith—"You told me you were in favour of this line.") At that time he believed there was going to be a straight vote on the question and that the line was to be carried. He would ask the honorable member who had submitted this proposal whether he was not led to believe by some gentlemen representing the Government that the line would be carried? (Lt.-Col. Smith—"No.") Then, what was the use of bringing forward the proposition? A railway from Boort was tried the other night and defeated. The same course was now being adopted that was taken in 1882, namely, to do anything to prevent the line from Kerang to Swan Hill being carried, and, although he had always voted for that line, he would vote against it on the next occasion if these tactics were continued. He trusted honorable members who wanted the Kerang to Swan Hill line would not allow a red herring to be drawn across the trail by the present proposition. (Lt.-Col. Smith—"This is a straight vote.") If it was a straight vote he would support the line, but he feared the result would be that the proposition would be beaten, and that the same fate would befall the Kerang to Swan Hill line.

Mr. BOWMAN seconded the motion. The construction of the line proposed by the honorable member for Ballarat West (Lt.-Col. Smith) would be only granting a small moiety of justice to the selectors in that part of the country. There was no railway tapping the Murray anywhere west of Echuca, and he thought this was a line which members representing any part of the colony could honestly and consistently vote for. It was not a sham proposition like that of the honorable member for Moira (Mr. Hall), which was never intended to be pressed to a division. (Mr. Hall—"How do you know?") The honorable member did not ask for a division on his proposition, although several honorable members wanted him to do so. A line from Boort to Kerang and Koondrook would permanently settle on the soil the large population in the district, who, if the railway were not constructed, would probably have to leave the land, which would fall back to its primitive condition.

Mr. LANGDON remarked that he felt bound to vote for the proposal in justice to the selectors in his district, whom it would benefit, although he regretted that it had been submitted. He thought it would have been much better if a line from Boort along via the House might fairly adopt the present proposal.

Mr. FINCHAM said he would appeal to the Government, in deference to the expressed wishes of two important communities like Ballarat and Sandhurst, and of the people in the Boort district, who were so closely identified with Ballarat, either to agree to this line or to adopt the proposal originally made for a line from Boort to Kerang and Swan Hill. It would be a graceful act of the Government to take this course, and would form a happy termination of the proceedings in connexion with the Bill.

Mr. YEO stated that he believed a line from Koondrook to Kerang would pay; in fact, a company was being formed to construct a tramway between the two places. In the interests of his constituents he felt bound to support the present proposal, but he believed that a national line would be that from Kerang to Swan Hill.

a profit and at a loss. He thought that, inasmuch as the extension to Swan Hill via Kerang was only lost by two votes, the House might fairly adopt the present proposal.

Mr. BOWMAN seconded the motion. The construction of the line proposed by the honorable member for Ballarat West (Lt.-Col. Smith) would be only granting a small moiety of justice to the selectors in that part of the country. There was no railway tapping the Murray anywhere west of Echuca, and he thought this was a line which members representing any part of the colony could honestly and consistently vote for. It was not a sham proposition like that of the honorable member for Moira (Mr. Hall), which was never intended to be pressed to a division. (Mr. Hall—"How do you know?") The honorable member did not ask for a division on his proposition, although several honorable members wanted him to do so. A line from Boort to Kerang and Koondrook would permanently settle on the soil the large population in the district, who, if the railway were not constructed, would probably have to leave the land, which would fall back to its primitive condition.

Mr. LANGDON remarked that he felt bound to vote for the proposal in justice to the selectors in his district, whom it would benefit, although he regretted that it had been submitted. He thought it would have been much better if a line from Boort along via the House might fairly adopt the present proposal.

Mr. FINCHAM said he would appeal to the Government, in deference to the expressed wishes of two important communities like Ballarat and Sandhurst, and of the people in the Boort district, who were so closely identified with Ballarat, either to agree to this line or to adopt the proposal originally made for a line from Boort to Kerang and Swan Hill. It would be a graceful act of the Government to take this course, and would form a happy termination of the proceedings in connexion with the Bill.

Mr. YEO stated that he believed a line from Koondrook to Kerang would pay; in fact, a company was being formed to construct a tramway between the two places. In the interests of his constituents he felt bound to support the present proposal, but he believed that a national line would be that from Kerang to Swan Hill.

Mr. BOWMAN seconded the motion. The construction of the line proposed by the honorable member for Ballarat West (Lt.-Col. Smith) would be only granting a small moiety of justice to the selectors in that part of the country. There was no railway tapping the Murray anywhere west of Echuca, and he thought this was a line which members representing any part of the colony could honestly and consistently vote for. It was not a sham proposition like that of the honorable member for Moira (Mr. Hall), which was never intended to be pressed to a division. (Mr. Hall—"How do you know?") The honorable member did not ask for a division on his proposition, although several honorable members wanted him to do so. A line from Boort to Kerang and Koondrook would permanently settle on the soil the large population in the district, who, if the railway were not constructed, would probably have to leave the land, which would fall back to its primitive condition.

Mr. LANGDON remarked that he felt bound to vote for the proposal in justice to the selectors in his district, whom it would benefit, although he regretted that it had been submitted. He thought it would have been much better if a line from Boort along via the House might fairly adopt the present proposal.

Mr. FINCHAM said he would appeal to the Government, in deference to the expressed wishes of two important communities like Ballarat and Sandhurst, and of the people in the Boort district, who were so closely identified with Ballarat, either to agree to this line or to adopt the proposal originally made for a line from Boort to Kerang and Swan Hill. It would be a graceful act of the Government to take this course, and would form a happy termination of the proceedings in connexion with the Bill.

Mr. YEO stated that he believed a line from Koondrook to Kerang would pay; in fact, a company was being formed to construct a tramway between the two places. In the interests of his constituents he felt bound to support the present proposal, but he believed that a national line would be that from Kerang to Swan Hill.
Mr. McINTYRE considered that there could be no possible objection to the present proposal, whatever might be the fate of the Kerang to Swan Hill line. It was desirable to tap the Murray at Koondrook in any case—in fact, he believed that the more points the Murray was tapped at the better it would be for the colony. The line now proposed would be of great benefit to a large number of people, and there was no necessity for considering it as a compromise at all. Certainly one peculiar thing was that, while the Minister of Railways opposed the line, his colleague in the representation of Rodney was doing all he could to get it carried. This was a suspicious circumstance, and he hoped that there was nothing behind the scenes. If he thought for a moment that, in the event of the present line being carried, the line from Kerang to Swan Hill would be lost, he would not support this proposition; but he believed that it was the intention of the House to carry the Swan Hill line in any case.

Mr. SHACKELL remarked that the reason he supported a line to Koondrook was because he thought it would supply all the wants of the district admirably. It was suggested as a sort of compromise, and it would afford all the facilities that were necessary for the people of the district. Honorable members who had travelled the country must be aware that to the west of Koondrook, in the direction of Swan Hill, the country was barren. (Mr. McColl—"Nothing of the kind.") If honorable members would look at the map, they would see that there were no allotments plotted out in that locality.

Mr. OFFICER expressed the opinion that the substitution of this proposal for a line from Kerang to Swan Hill would be a mistake. It would defeat the very objects which the advocates of the Swan Hill line had in view. One of the strongest arguments advanced in favour of the Swan Hill line was that a steamer loaded with wool could get to Swan Hill when it could not reach Echuca. This was a fact, and the reason was that there was a shoal called Hospital Bend above Swan Hill, and the waters of the Loddon joined the Murray just below this point. The Loddon itself had been known to raise the Murray two feet in a single night. Vessels could thus reach Swan Hill that could not get on to Echuca, but any vessel that could go to Koondrook could get to Echuca, so that there was not the same object in making a line to Koondrook. As to the Darling trade, one great object of the Swan Hill line was to secure, by affording rapid transit, a great portion of the Darling trade. Now, in the navigation of the Darling, a few hours was a matter of very great importance. It often happened that one steamer leaving Wentworth a few hours before another got through, while the succeeding steamer could not do so. The colony that managed to secure the Lower Darling trade—the goods traffic—would secure to a great extent the wool also. These were the reasons why he had supported the line from Kerang to Swan Hill, and he thought it would be a mistake to adopt a line to Koondrook instead. It had been stated that the country between Kerang and Swan Hill was barren, but he would point out that there was a chain of lakes running from Reedy Lake to Lake Charm, near Swan Hill, and as the level of the land was only about 5 ft. above the water-level, all that land would be available for irrigation.

The House divided on the sub-section—

Ayes... ... ... ... 20
Noes... ... ... ... 41

Majority against the line... 21

AYES.
Mr. Baker,
" Bent,
" Bowman,
" Burrowes,
" D. M. Davies,
" Fincham,
" Grant,
" James,
" McColl,
" McIntyre,
" Mackay,
Mr. W. Madden,
Mirams,
Dr. Quick,
Mr. Shackell,
Lt.-Col. Smith,
Mr. Yeo.
" A. Young.
Tellers.
Mr. Langdon,
" Moore.

NOES.
Mr. Anderson,
" Berry,
" Billson,
" Bosiato,
" Cameron,
" A. T. Clark,
" W. M. Clark,
" Cunningham,
" Darbon,
" Gibb,
" Gillies,
" Graham,
" Hall,
" Harper,
" A. Harris,
" J. Harris,
" Hunt,
" Kerferd,
" Langridge,
" Laurens,
" Levien,
Mr. McLean,
" McLellan,
" J. J. Madden,
" Mason,
" Nimmo,
" Officer,
" Orkney,
" Pearson,
" Reid,
" Service,
" Staughton,
" Tucker,
" Uren,
" Walker,
" Wallace,
" Woods,
" Wrixon,
" Zox.
Tellers.
Mr. Deakin,
" Toobey.

Mr. MOORE moved that the following sub-section be added to clause 3:—

"A railway commencing at the termination of the authorized line from Eaglehawk to Kerang, and terminating in the township of Swan Hill, in the line and upon the lands described in the schedule, to be called the Kerang and Swan Hill Railway."
This line had been before the House for two or three years, and he had to thank honorable members for the hearty support they had given it on every occasion. As it was understood that there was to be no debate on the proposal, he did not intend to make any remarks in support of it.

Mr. LAURENS intimated that he intended to vote for the proposal. The Assembly had committed themselves to the construction of railways which would take some eight or ten years to construct, and on that account, and also because he considered the Swan Hill line had superior claims to some of the lines which had been already adopted, he thought it his duty to support the line. He did not regard the matter in any way hostile to the Government, but would simply vote for the line on its merits.

Mr. J. J. MADDEN observed that he previously voted against this line, and he could not consistently vote for it on the present occasion, but he wished to bring under the notice of the House the fact that he had received a letter from the Mayor of Belfast, in which that gentleman said that he had received a telegram from the Mayor of Ballarat in sending such a telegram.

Mr. McCOLL, who rose amid cries of "Divide," said the question was now put on Tuesday next, and all western district left out for good.

He (Mr. Madden) was not sent to the Assembly to be instructed by any one, and he could safely say that no local body in his district had ever instructed him how to vote, and he did not think they ever would. If anything could have induced him to vote for the Kerang to Swan Hill line, it would have been the gross impertinence of the Mayor of Ballarat in sending such a telegram.

Mr. McCOLL, who rose amid cries of "Divide," said the question was now put to him. He could safely say that no local body in his district had ever instructed him how to vote, and he did not think they ever would. If anything could have induced him to vote for the Kerang to Swan Hill line, it would have been the gross impertinence of the Mayor of Ballarat in sending such a telegram.

Mr. FINCHAM observed, with reference to the telegram received by the Mayor of Belfast, that he did not think the Mayor of Ballarat wished to instruct any honorable member how to vote. He (Mr. Fincham) was quite sure the Mayor would not presume to do so, even with regard to the members for his own district. As to the present proposal, although he thought it would have been better if the two main railway systems had been connected, nevertheless, since all that was wanted could not be obtained at once, he would vote for the present proposition in the national interest.

Lt.-Col. SMITH remarked that he did not think the honorable member for Belfast need alarm himself. He (Lt.-Col. Smith) did not think any of his colleagues in the representation of Ballarat had been written to, and certainly he had not. His constituents trusted him to exercise his judgment in the votes he should give.

Mr. MASON said that on the last occasion when there was a division on the Kerang and Swan Hill line he was, unfortunately, absent. He stated subsequently that, if the line was proposed again, he would vote for it, and he intended to do so. With regard to the telegram received by the Mayor of Belfast from the Mayor of Ballarat, he considered that it was a gross piece of impertinence, and, if the honorable member for Belfast knew his duty, he would vote against any attempted intimidation or instruction of the kind. The matter was one which should properly be brought under the notice of the House, apart altogether from the question before the chair, and no doubt the honorable member for Belfast would take another opportunity of calling attention to it.

The House divided on the question that the sub-section be added to clause 3—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>84</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>26</td>
</tr>
</tbody>
</table>

Majority for the line ... 8

Mr. Baker, Mr. Mackay
Mr. Bent, W. Madden
Mr. Boaisto, Mason
Mr. Bowman, Mirams
Mr. Burrowes, Officer
Mr. A. T. Clark, Dr. Quick
Mr. D. M. Davies, Rose
Mr. Derham, Lt.-Col. Smith
Mr. Dow, Mr. Staughton
Mr. Fincham, Wheeler
Mr. Graham, Woods
Mr. Grant, Yeal
Mr. Harper, A. Young
J. Harris, Zox
Mr. Keys, Tellers
Mr. Langdon, Mr. McIntyre
Mr. Laurens, Moore
Mr. McColl, Tellers
Mr. Anderson, Mr. McLean
Mr. Berry, McLellan
Mr. Billson, Orkney
Mr. Cameron, Pearson
Mr. Cunningham, Service
Mr. Denkin, Slabekell
Mr. Gillies, Shiel
Mr. Hall, Tucker
A. Harris, Uren
Mr. Hunt, Mr. W. M. Clark
Mr. James, Toohey
Mr. Kerferd, Tellers
Mr. Langridge, Mr. W. M. Clark
Mr. Levi, Toohey
They had had full opportunity of the merits of the proposed line already to be called the lands described in the schedule hereto, to authorize the proposal for the decision of the House. As the honorable member said, the proposed line was more a siding than a railway, and if the Railway Commissioners recommended its construction as a siding, he (Mr. Gillies) would certainly have no objection. The department had power to construct sidings.

Mr. A. T. CLARK stated that he would accept the assurance of the Minister of Railways.

Mr. MACKAY remarked that the public were much inconvenienced from the want of a railway siding from Williamstown to the race-course. He thought that the Minister of Railways need have no hesitation in taking the responsibility of ordering it to be made.

Mr. ZOX bore testimony to the necessity for the construction of the proposed siding.

The sub-section was withdrawn.

Mr. WRIXON moved that the following clause be added to the Bill:

"The Railway Commissioners shall construct the lines of railway authorized by this Act as set out in the schedule hereeto, and not otherwise."

The Bill authorized the construction of nearly 60 lines, comprising altogether about 1,200 miles of railway; and, judging from past experience, the making of all these lines would necessarily extend over a period of from ten to twelve years. Railway contractors employed a special class of labourers, and the supply of that class was limited; so that, even if the whole of the money proposed to be raised for making the lines was borrowed at once—and such was not the intention of the Government—it would be impossible to construct more than a certain number of the lines simultaneously. As, therefore, the carrying of the whole of the lines would necessarily extend over a considerable series of years, it was a question of policy which districts should be served first. That was the only question of policy remaining to be considered in connexion with the Bill, and it was emphatically one which Parliament itself ought to determine. Parliament might not be able to decide it otherwise than roughly, but, at all events, it ought to determine it roughly;
and, in justice to the country, the Assembly should express some opinion on the subject before it sent the Bill to the other Chamber. The railways contained in the Bill included different classes of lines—grain lines, timber lines, fish lines, city lines, and picnic lines. The Assembly would not be doing its duty if it sent the Bill to the Council without expressing an opinion as to which of the lines, or which class of lines, should be constructed first. If the Bill was passed without any decision being come to as to the order in which the lines should be constructed, that question—a question of policy—would be left to be determined either by the Railway Commissioners or by the Minister of the day. His own belief was that it would be the duty of the commissioners to construct the lines in whatever order they thought right. The Railway Commissioners Act provided that the commissioners should construct all the lines authorized by Parliament, and the 16th clause of the Bill provided that each year they were to submit to Parliament an estimate of the expenditure which they proposed to incur during the ensuing twelve months. Reading the two measures together, his opinion was that it would strictly be the duty of the commissioners to decide which lines should be made first. That would be highly unsatisfactory. The essence of the Railway Commissioners Act was that the functions of the commissioners were to be confined to matters of business detail; and while he thoroughly approved of the Act as a measure of reform, he would resent as strongly as any man the commissioners interfering in a matter of policy. Moreover, the commissioners themselves had stated that they could not give any estimate of the probable returns from the proposed lines, though they approved generally of the construction of the whole of them. Moreover, if the Minister of the day dictated to the commissioners from time to time what lines should be made—as would probably be the case if the Bill was passed without some such provision as he wished to see inserted in it—that would undoubtedly be a violation of the law, and would also result very unsatisfactorily. He did not wish for a moment to imply that the Minister would use his power corruptly or unjustly, but he certainly thought it would be most unsatisfactory to place such a power in the hands of the Executive. Indeed it would be most unjustifiable for Parliament to hand over to the Government of the day the power of determining such an important question of policy as to which districts should be supplied with railway communication before others. One ground upon which he thought he could claim the support of the Government for the clause that he had submitted was that, when the votes for local bodies in aid of bridges and road works were under consideration, the Premier stated that he thoroughly disapproved of the principle of such grants being placed on the Estimates, and that whatever sums of money the local bodies received from the State ought to be given to them strictly according to law. He (Mr. Wrixon) hoped that the House would consider whether it was consistent with its self-respect, and with what was due to the country, to pass a bundle of railways, and say nothing about the order in which they were to be constructed. If that was not sufficient to induce honorable members to adopt the clause, he would ask them to regard the matter from another point of view. He would remind them that, if they did not, in some way or other, determine the question of policy involved in the order of construction, all the trouble and anxiety which they had gone through in securing lines for their respective districts would have to be repeated either in the ante-chamber of the Railway Commissioners or in the ante-chamber of the Minister of the day, in order to secure priority in the construction of the lines; and that struggle would go on from year to year until the whole of the lines were completed. When he proposed, on a former occasion, in connexion with another Railway Bill, that Parliament should determine the order in which the lines should be constructed, he certainly did not meet with much support. It was said that it was impossible for Parliament to do what he suggested, and no doubt the same objection would be raised on this occasion. There was nothing impossible about the proposal. Some one must determine the order in which the lines were to be made—some one must have the requisite knowledge and information on the subject—and he maintained that the Legislative Assembly ought to get the necessary information to enable it to determine the matter, even if it was determined roughly. He saw no reason why the Railway Commissioners, the Engineer-in-Chief, and the Traffic Manager should not be called to the bar of the House and examined as to what they knew about the proposed railways, and as to which lines, in their opinion, should be constructed first. By that means, honorable members might, in two or three days, obtain information which would enable them to
give an intelligent vote on the question. It
was, therefore, idle to say that it was im-
possible to do what he proposed. It was
only impossible because honorable members
were in a hurry to bring the session to a
close, and were indisposed to take the same
trouble over the matter as they would do if
it were a private affair of their own. He
hoped that the House would see the advisa-
ibility of determining, even if it was done
roughly, the order in which the lines should
be constructed, and let the Bill provide that
that order should be followed as nearly as
possible. By adopting this course, honor-
able members would perform a duty to the
country, and would avoid throwing upon the
Railway Commissioners or the Minister of
the day a very irksome and invidious task.

Mr. PEARSON said he had pleasure in
supporting the clause; at the same time, con-
sidering the late period of the session, he
hoped the honorable member for Portland
would be contented if the Government would
meet him half way by stating at once the
three or four lines they intended to begin
upon, and undertaking to bring down such
a schedule as he desired next session. Honorable members should recollect that
by passing so many railways in a single Bill,
and leaving the Ministry practically to de-
termin in what order they should be con-
structed; they gave the Ministry a power
which was very dangerous both to themselves
and to Parliament. No member would like
to offend the Ministry—to vote against
them—with the feeling that if he did so a
line in which his district was interested
would be kept back on that account. He
(Mr. Pearson) did not wish it to be supposed
that he thought that the present or any other
Ministry would abuse power in that way;
but he was quite certain that, human nature
being what it was, they would be suspected
of abusing it. Of the 60 lines authorized
by the Bill, it was not possible to construct
more than five or six in the course of a year;
and, in selecting the five or six which should
be first undertaken, offence might be given
to the other fifty-four districts—such offence,
indeed, as might be sufficient to upset the
strongest Ministry. It might be said that
the responsibility of selection would be
handed over to the Railway Commissioners;
but why should those gentlemen, who had
worked admirably as far as they had gone,
be exposed to the signal unpopularity which
must necessarily attend such a position?
One reason in favour of the clause was that
when a gigantic scheme of railway construc-
tion, involving the expenditure of several
millions of money, was authorized, land
speculators began cutting up blocks of land
in every part of the country, and it at once
became apparent that, in the interests of the
community at large, it should be publicly
known, as soon as possible, which lines
would be constructed first. Then, again, it
should be recollected that honorable members
had authorized many lines without knowing
very much about them, and it was only right
that they should classify their work. The
lines might be roughly grouped in three or
course. There were some lines which
would never pay; and, if the construction of
those were left to the last, the chances were
that they would not be constructed at all,
and thus a large expenditure might be saved.

Mr. MACKAY observed that he would
be happy to support the clause if he thought
that what it provided for was practicable;
but he regarded it as one of those utopian
propositions which the honorable member for
Portland was in the habit of bringing before
the House without entertaining the slightest
hope of carrying them. In connexion with
this matter, the honorable member for Port-
land actually contradicted himself. In the
first place, the honorable member stated that
the question of the order in which the rail-
ways should be constructed was a question
of policy—the only question of policy re-
aining to be considered in connexion with
the Bill—and yet he intimated to the House,
a representative body, that he proposed to
submit that question of policy to an ir-
responsible body, the Railway Commissioners.
That certainly would be a wrong position to
place the Railway Commissioners in. Those
gentlemen might understand the proper mode
of making railways pay, but they could not
be supposed to know what was taking place
in all the different districts of the colony, or
the rate of progression in population and
general prosperity that was going on, so that
they might be able to sit in Spencer-street
as a sort of miniature Cabinet, and deter-
mine the order in which lines should be
made. The thing seemed to him to resolve
itself into an absurdity. As to the sugges-
tion that the Assembly should divest them-
selves of the power they held to check any-
thing like favoritism on the part of the
Government, he was of opinion that, if the
Government showed anything like favoritism,
the floor of the House was the proper place
to bring them to account. It was absurd to
suppose that any well-founded grievance
stated in the Assembly would fall upon deaf
ears. The honorable member for East Bourke
Boroughs contended that the result of leaving the order of railway construction to the discretion of the Government would be to place Members of Parliament at the mercy of Ministers, and he drew an affecting picture of the way in which a district might suffer whose member was unfortunate enough to forfeit the good-will of Ministers; yet, in the next breath, the honorable member showed how Ministers themselves might be burst up if they behaved improperly over the business. Certainly it was only right that they should suffer if they were guilty of an abuse of the confidence reposed in them. But he could not call to mind any remarkable instance, during the many years that the State had been engaged in making railways, of a district having been subjected to a gross injustice of the kind alluded to by the honorable member for East Bourke Boroughs. If such an instance had occurred, it had never been ventilated. During the debates on the Bill, the Ministry had been taunted with yielding more to their opponents than to their supporters. Then what became of the statement that the Ministry were going to indulge in a sort of patronage by commencing the work of railway construction with those lines which would suit their own supporters? His own opinion was that there was nothing in it. However, he opposed the clause chiefly on the broad and tangible ground that he objected to delegates and agents of the Government being the agents of the Minister of the Crown.—(Mr. Berry—"I had no confidence in that Government.") But the honorable gentleman took the pains to assure the House, at the time, that he did not attack the then Government. It was not a question of Government, it was a question of principle, with the honorable member. This was what he said:—

"I do not attack the present Government, because the next Government, and probably the two succeeding after that, will be concerned in this matter. I should be perfectly satisfied if the present Government would make out a list showing the order in which the lines are to be constructed, and submit it to the House."

This was what the honorable member for Portland desired—that the Government should make out a list and submit it to the House, in order that the House might approve of it, and the Railway Commissioners be compelled to abide by it after it had received the sanction of Parliament. The Chief Secretary went on to say—

"We know what trouble, expense, and loss of time has been caused by deputations and contra-deputations waiting upon the Minister of Railways in reference to the construction of certain lines. Why should not we ask the Minister to bring in a schedule to do away with them? We take such precautions in less important matters. We do not allow the Government to expend money, even although we have authorized them to do so, until they submit an estimate showing how they propose to expend it, and is it unreasonable to ask that a clause shall be embodied in the Bill requiring a schedule to be drawn up showing how and in what order the railways are to be made?"

It was not unreasonable; and it would tax all the honorable gentleman's ingenuity to show that what was perfectly reasonable
two years ago was unreasonable now. The Chief Secretary then proceeded to ask—

"Why cannot the Government agree to the amendment? Do they think they will be unable to bring down a schedule which will be satisfactory to honorable members? If so, it is all the more necessary that they should submit a schedule, because, if they cannot be trusted to do that, how can they be trusted to withstand all the influence and pressure which will be brought to bear upon them with the view of obtaining priority in the construction of certain lines? Is it fair or just to leave the construction of 60 lines of railway, which will be spread over four, five, or six years, to the discretion of the Minister of Railways, either present or future? Is it desirable to leave the question of priority so that any Government may keep it hanging over the heads of honorable members? All honorable members who desire fair play, justice, and the placing of this question on a sound and honest footing, should vote for the amendment. If they do not vote for it, they must think that they are able afterwards to gain some unfair advantage for the people of the district which they represent."

Those were the utterances of the Chief Secretary two years ago, when a similar proposal was before the House. The honorable gentleman was then strongly of opinion that a schedule showing the order in which lines should be constructed should be received the sanction of Parliament, so that it might not be in the power of any Ministry to use the fear of not having a line as a whip to make honorable members support them upon any questions which might come before the House. That was the ground upon which the Chief Secretary supported the proposal of the honorable member for Portland two years ago, and was the ground upon which he ought to rise in his place now, and support the present proposal.

Mr. McLellan considered that the adoption of the proposition of the honorable member for Portland, at the present period of the session, was an impossibility. The labour involved in the framing of a schedule which would give satisfaction to honorable members would not terminate with the close of the year. How, in the fluctuating state of the population, could honorable members fix definitely the lines which should be constructed first? Why any day a new goldfield might be discovered which would direct the whole population of the colony into one district, which would necessarily want railway accommodation; but, if a clause like that before the House were carried, it might be impossible to afford that accommodation. However, the chief purpose for which he rose was solemnly to protest against the view which had been put forward by some honorable members that the construction of the lines authorized by the Bill was to spread over ten or twelve years. In a flourishing country like Victoria, it was not too much to expect that £1,000,000 would be expended annually on railway construction. He trusted that the Railway Commissioners, and those who would be intrusted with the work, would set about it expeditiously in order to meet the requirements of the colony.

Should the Assembly at any time find that they were not discharging their duties impartially, and in the best interests of the country, it would be their business to interpose.

Mr. Laurens remarked that there would be no necessity whatever for such a clause as the honorable member for Portland had proposed if the funds necessary for the construction of railways were drawn from the ordinary revenue, because in that case the matter of railway construction would come under review every year in connexion with the Estimates. But the fact was that the railways of the colony were constructed out of the proceeds of loans and contributions from the land fund; and, in fact, as soon as the Bill became law, the Ministry would have power to commence the expenditure of the £21,000,000 or thereabouts which was at present available for railway construction purposes. From the moment the Bill received the Royal assent, the whole matter of railway construction would be theoretically in the hands of the Railway Commissioners, but he believed practically in the hands of the Minister of Railways. Now there could be no doubt that arranging the order in which the lines should be constructed was as much a question of policy as settling whether they should be constructed at all, and, therefore, the matter was evidently one that should be determined by the House, and not by the Government of the day. If it was left to the latter, would they not simply attempt to carry out their own plans under the shelter of the Railway Commissioners? What, for example, might be expected under such circumstances from the present Ministry in connexion with the Swan Hill and Kerang line, to which they were so much opposed, and which had been forced upon them? Was it not almost certain that if they possibly could, they would leave the construction of that railway to the very end of the chapter? Upon the whole, he felt that the proposition now before the House was one which demanded his support.

Mr. Gillies said he hardly expected the honorable member for North Melbourne (Mr. Laurens) to have so easily forgotten
that, when a similar proposition was made in connexion with the Bent Railway Bill, he voted with the "Noes," as did also the honorable member for Collingwood (Mr. Mirams). (Mr. Mirams—"And I may do the same now.") The same question was raised both in 1880 and 1882, and what, on each occasion, was the reply made by the Minister of Railways of the day? That he would construct new railways in the order he and his colleagues thought best, and that if Parliament was not satisfied with that arrangement, it could condemn it. And the consequence was that, in both cases, Parliament absolutely declined to tie Ministers' hands in the matter. If the present Government remained in office while the railways authorized in the Bill were being constructed, they would be bound to accept the responsibility of arranging the order in which the construction should take place. (Mr. Wrixon—"Could they not do so contrary to the known wishes of Parliament?") It would be simply impossible for them to do so. Was not the honorable member aware that the Government could not spend a shilling upon any new railway except under an estimate previously approved of by the Assembly? (Mr. Wrixon—"An estimate furnished by the commissioners.") Not at all. How could the commissioners lay an estimate before the House? Of course, the estimate would be brought forward by the Ministerial head of the Railway department, and he (Mr. Gillies), for one, would be no party to proposing, for the adoption of Parliament, an estimate of railway expenditure of which he did not approve. As for the commissioners, no question could possibly arise between them and the Minister of Railways as to the order in which new railways should be constructed, because, however much their opinion on the subject might be deferred to, all real responsibility in the matter must rest with the Minister. Another objection to the proposition of the honorable member for Portland was that if it was carried, and the House had to determine the order of priority in which the different lines should stand in the Bill, it would not be sent to another division. (Mr. Wrixon—if the Bill were brought forward by the Minister, instead of from Dandenong, and the division.) Mr. STAUGHTON moved a new clause providing for a railway commencing on the Gippsland Railway at or near the Pakenham railway station and terminating in the parish of Narrewa. He said that when he suggested, a week ago, that the Great Southern Railway should start from Pakenham, instead of from Dandenong, and the Minister of Railways intimated that if the honorable member for Mornington agreed to that alteration, something in the way of an additional line, say one to Beaconsfield or to Schnapper Point, might be accomplished, such strong hopes on the subject were excited that he (Mr. Staughton) felt bound to ask honorable members to consider the proposal more attentively than before. There could be no denying that a multitude of reasons existed in favour of adopting the Pakenham route. It would shorten the...
Great Southern Railway by eighteen miles; it would enable it to be carried through the Koowee-rup Swamp, and so lead to the drainage of that vast and valuable area; it would save the construction of an immense number of expensive bridges; and, lastly, it would furnish the Railway department with a splendid supply of ballast. No doubt, the claims of Cranbourne should be duly borne in mind; but it was a matter of fact that that township would soon be within eight miles of no less than four railway stations. The total amount of money which the change of route, and the consequent drainage of the Koowee-rup Swamp, would place at the disposal of the Government could not be less than £200,000, which would probably be sufficient for the construction of the Kerang line, and lines to Schnapper Point and Gembrook as well.

Mr. GILLIES remarked that the proposition of the honorable member for West Bourke (Mr. Staughton) practically amounted to one for an additional line through a part of the country for which the Government had already done quite enough. The question was, in fact, one which, at the present stage of the Bill, Parliament ought not to be asked to consider.

Mr. MASON observed that it would not do for the Minister of Railways to pooh-pooh a proposition that would save the construction of sixteen miles of railway, if not more, and so furnish the Government with the means of carrying out the line from Drouin to Poowong, to which they practically stood pledged. (Mr. GILLIES—“It is possible to save 50 miles of construction by stopping the line at Leongatha.”) Probably that was the case, but the 50 miles would be saved only at the expense of the line being merely a political one. After all, what did the honorable member for West Bourke (Mr. Staughton) want to do? To start the Great Southern Railway from Pakenham, instead of making it run from Dandenong to Cranbourne, and so serve the private property of the honorable member for Mornington. Moreover, the alteration would save the purchase of a good deal of land at Dandenong, whereas at Pakenham there was plenty of Crown lands available for railway purposes. Taking everything together, and going simply by the estimates of the Railway department, adopting the new plan would mean avoiding the expenditure of at least £80,000. It was plain from the words which the Minister of Railways used the other night, and which the honorable member for West Bourke had already referred to, that the Dandenong route was pitched upon in the interests of the honorable member for Mornington, but why should that honorable member cost the State so much? Could he possibly be worth the money? Now he (Mr. Mason) advocated the Pakenham route without having the smallest private interest to be served by it. He was actuated in the matter simply and solely by public motives. Was it likely, considering everything, that the honorable member for Mornington would give up a line to Cranbourne merely for the sake of one to Gembrook? (Mr. GILLIES—“You are grossly unfair to the honorable member for Mornington.”) How could he be unfair when he merely repeated what had already been published in the newspapers? Was it not reported in the Argus that, at a meeting held at Pakenham on the 5th November, Mr. Henty, one of the members of another place, stated that—

“Mr. GILLIES, the Minister of Railways, informed him that he considered Pakenham was the proper starting point for the Great Southern line. It was just possible that if Mr. Gibb had a greater personal interest in Pakenham it might have been chosen instead of Dandenong.”

(Mr. GILLIES—“You ought to be ashamed of yourself for repeating such a statement.”) Why should he not repeat what was gravely asserted at a public meeting? No doubt the Minister of Railways was specially cut out for a moral lecturer, but he, for one, declined to be lectured by him. No one simply doing his duty had any need to be ashamed. (Mr. Bosisto—“You imputed motives.”) He simply quoted from the public press. (Mr. GILLIES—“You did a mean thing.”) Where was the meanness? (Mr. GILLIES—“You gave a vague statement the appearance of substantiality.”) He believed he would have neglected his public duty had he not pointed out every important public reason that existed why the Pakenham route should be preferred to the Dandenong route.

Mr. WALKER said it was greatly to be regretted if the honorable member for South Gippsland was unable to adduce arguments in support of the proposition he favoured without slandering another honorable member.

Mr. MASON asked if it was in order to accuse an honorable member of slandering another honorable member?

The SPEAKER.—I do not think it is.

Mr. WALKER stated that he would, in obedience to the Speaker’s ruling, withdraw
the expression complained of, but there could be no doubt that the honorable member for South Gippsland made use of a statement that had gone abroad in order to insinuate that the Dandenong route was adopted because it would pass through land belonging to the honorable member for Mornington. The honorable member for South Gippsland might call that sort of thing what he liked, but were he (Mr. Walker) to describe it outside the House, he would do so in terms about which there could be no mistake. Putting forward such an insinuation was simply something degrading to political life, and calculated to render it intolerable. As for the honorable member for Mornington, there was not a more inoffensive gentleman in the Chamber, and there could be no question that the assertions made against him were utterly unfounded. (Mr. Mason—“Is it true or untrue that the Dandenong route will run through his property?”) Supposing it was true, how could it justify the deduction that he brought pressure to bear on the Government to get the line started from a particular point? If that was not what the honorable member for South Gippsland meant to convey, his statement had no force whatever. With regard to the question raised by the honorable member for West Bourke (Mr. Staughton), it certainly seemed as though the Minister of Railways ought to explain why the Pakenham route was not adopted.

Mr. GILLIES observed that the whole question was raised and settled in 1882.

Mr. KEYS stated that if the Great Southern Railway started from Pakenham it would, before it came to the Koo-ewe-rup Swamp, traverse only two properties, namely, that of the honorable member of another place, who had already been mentioned, and that of the honorable member for West Bourke (Mr. Staughton).

Mr. STAUGHTON said he could assure the House that, with respect to his private concerns, it did not matter twopence to him where the line started from. It could not be made to run through his property, and he was only interested in the affair on behalf of the general good.

Mr. KEYS remarked that he accepted the statement just made, but, of course, the honorable member for West Bourke would admit that he and the other gentleman named were the only owners of property likely to be affected by the adoption of the Pakenham route. (Mr. Staughton—“I admit nothing of the kind.”) Possibly some of the property in the neighbourhood might have changed hands recently. As for the saving it was said making Pakenham the starting point would effect, it was hardly worth talking of in view of the enormous cost of carrying the line through the Koo-ewe-rup Swamp. Again, it ought to be remembered that Cranbourne was a very old established township, and that to leave it without railway communication of any sort would be extremely unfair.

Mr. STAUGHTON stated that he and his brother held certain property about half-a-mile from the Pakenham station, and, inasmuch as the Great Southern line was bound to run in a different direction, it could not possibly matter to him personally where it started from. He trusted the House would take his word that in the present question he had not one iota of personal interest.

Mr. MACKAY considered that, if the Minister of Railways wished to make a railway 16 or 18 miles longer than was necessary, he ought to state his reasons for doing so. He (Mr. Mackay) took exception entirely to the opinion which seemed to prevail that if a member of the House was believed to have property which would be affected by a certain line, the fact should not be made public. The idea of accusing any honorable member who mentioned the matter of public slander was preposterous. Why were members privileged in their utterances in Parliament, except to enable them to say on the floor of the House what probably they would not say outside through the dread of a libel action? Honorable members were supposed to analyze all the proposals submitted to them, and, if there was a trace of trying to serve private interests at the expense of the public, it was the duty of every honorable member to point out such a thing, so long as he kept within the proper bounds of courtesy, and the honorable member for South Gippsland in his remarks had not transgressed that rule at all. Why had not the honorable member for Mornington risen to disclaim the charge made against him? (Mr. Zox—“What charge?”) The insinuation to which the Minister of Railways had objected. (Mr. Harper—“How can a man meet an insinuation?”) If an insinuation had been made against him (Mr. Mackay) of the same kind, he would have taken the earliest opportunity of contradicting it, and he had not the slightest doubt that the honorable member for Mornington was fully in a position to do so if he felt inclined.
As to the Koo-wee-rup Swamp, according to the plan which had been circulated by the people of Dandenong and Cranbourne, it was quite as easy to carry the Great Southern line from Pakenham through the Koo-wee-rup Swamp as by the Government route. Moreover, the Pakenham route would have the advantage of carrying the line in such a direction as to drain the swamp, following the flow of the water, instead of going at right angles to it. He did not say that these reasons were satisfactory to him, as against the opinion of the Minister of Railways and the Government, but he thought that the Minister of Railways should afford the House some reason why he refused to save the £80,000 or £90,000 which, it was said, would be saved by adopting the Pakenham route.

Mr. GIBB remarked that he intended to treat the observations of the honorable member for South Gippsland with the contempt they deserved. He could not have expected anything else from the honorable member, but he did not intend to follow him in the personal matters he had brought before the House. The line from Dandenong to Cranbourne was proposed in the honorable member for Brighton's Railway Bill before the Great Southern Railway was submitted at all, and he supposed the honorable member for South Gippsland had a grudge against him because, at that time, he (Mr. Gibb) suggested that a number of "cocksplors" in South Gippsland should be struck out, and the Great Southern line from Cranbourne to Port Albert inserted instead. Cranbourne was one of the oldest and best districts in the colony, and the district was the most valuable portion of the county of Mornington. He thought it was only fair that such a long settled district should have some consideration from the House, and it was for that reason that in 1882 the House unanimously consented to authorize a line to Cranbourne, and from there on to Port Albert. The meeting at Pakenham was got up by the Gembrook people, who thought that, if the Great Southern line was started from Pakenham, they would have a chance of obtaining a line to Gembrook. He thought it would be very unfair if an old district like Cranbourne were to be thrown over for a new district like Gembrook. The district of Cranbourne had been settled for the last thirty years, and the land was purchased from the Government at a high price.

Mr. PEARSON said it was unfortunate that the Minister of Railways had not given the House some information as to why the line from Dandenong had been chosen, instead of referring them to the debates which took place two years ago. He (Mr. Pearson) found, by referring to Hansard, that, when the Great Southern line was first proposed, the then Minister of Railways, the honorable member for Brighton, expressed the opinion that it should start from Pakenham instead of Dandenong. The honorable member also stated that the Pakenham route would save eight miles of construction; whereas the route proposed by the honorable member for Mornington would go for thirteen miles "through literally unexplored country." These were very strong statements, and, as it was very unusual for a Government to decline a proposition which would save £80,000 or £90,000 to the country, he thought the Minister of Railways should inform the House why the proposal had been rejected by the Government.

(Mr. Gillies—"The saving of £80,000 is purely imaginary.") It was information on that point that was required. It seemed reasonable to suppose that, if the construction of a line was abridged by 16 or 18 miles, there must be a large sum of money saved in construction, besides the saving in the purchase of land. No doubt the Minister might have reports which would put a different face on the matter, but, if so, he (Mr. Pearson) certainly thought the House should be supplied with the information.

Mr. BENT observed that this was not the first time he had heard various honorable members taking credit to themselves for suggesting the Great Southern line, but he could tell the House that neither the honorable member for Mornington nor any other honorable member ever suggested that line. The Great Southern Railway was a patent of the O'Loghlen Government, but the copyright, like many other things, had been stolen from them. The only gentleman who assisted the O'Loghlen Government with regard to that line was Mr. Callanan, the district surveyor, who was the first to tell the Government that the line could be made.

(Mr. Walker—"The honorable member for Mornington proposed it.") The honorable member for Mornington had nothing to do with the initiation of the line. With regard to the remarks of the honorable member for East Bourke Boroughs, it was quite true that he (Mr. Bent) expressed the opinion in 1882 that the line should start from Pakenham, and he was still of that opinion. A direct line to Port Albert should start from
Pakenham, and the saving so effected could be used in making a line from Dandenong to Cranbourne, and from thence the coal country could be reached. Or a line could be made from Frankston across to Cranbourne, which would serve the latter place very well. He was exceedingly sorry that the coal line had been rejected, and he believed that result was chiefly due to insinuations similar to those which had been made that evening. What did it matter if a line of railway did pass through land belonging to a member of the House, so long as the line was for the public benefit? When he was Minister of Railways similar statements were made regarding himself—about him being connected with syndicates and the like—but there was not a word of truth in them. He believed that, even at the present stage, the Minister of Railways would do well to agree to the Pakenham route for the line that they had proposed—

The House divided on Mr. Stoughton's proposal—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>...</th>
<th>...</th>
<th>...</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>49</td>
</tr>
</tbody>
</table>

Majority against the line ... 38

STATUTE OF TRUSTS AMENDMENT BILL.

This Bill was returned from the Legislative Council, with a message intimating that they had agreed to the same with amendments.

The amendments were ordered to be taken into consideration the following day.

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

LEGISLATIVE COUNCIL.

Wednesday, November 12, 1884.

The Premier and Mr. Cuthbert—Substantive General Law Consolidation Bill—Hospitals and Charitable Institutions Bill—Land Bill—Railway Construction Bill.

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

PETITIONS.

Petitions in favour of the continuation of the grocers' (single bottle) licence were presented by the Hon. W. Ross, from residents of Hamilton and its vicinity; and by the Hon. D. Melville, from inhabitants of Kilmore and district.

THE PREMIER AND MR. CUTHBERT.

The Hon. H. CUTHBERT said—Mr. President, about a fortnight ago, when the Council were considering the Mining on Private Property Bill, the Minister of Defence asked me to produce a letter which I had received from the Premier of the colony. I had on that occasion referred to the late Council elections, and had stated that a paragraph appeared in one of the local papers of the Wellington Province, announcing that Mr. James Long, who opposed me on the petition re-election, came forward as the Ministerial candidate. I had further stated that I therefore telegraphed to the Premier asking him if the report published in the newspaper was true, and received a reply from him saying that the Government were sorry, but they could not give me their support on that occasion. After I had spoken, the Minister of Defence asked, I think at the request of the Premier, that the letter I had referred to should be produced, and I promised that I would produce it if I could find it. I have found the letter, and, if I am right in understanding that it is the wish of the Premier that I should make the House acquainted with its contents, I shall have no objection to do...
so. Inasmuch, however, as the letter is marked "private," I do not think it would be right for me to lay it on the table unless it is the wish of the Premier that I should do so.

Mr. MACBAIN.—Is it a letter?

Mr. CUTHBERT.—I regard it as a letter coming from the Premier. It is not signed by him, but I believe it is his production. If the Minister of Defence gives me the assurance that it is the wish of the Premier that I should read the letter, I shall be happy to do so.

The Hon. F. T. SARGOOD.—Sir, I am not in a position to say absolutely that it is the wish of the Premier that the letter should be read, but I am in a position to say that it is his wish that it should be produced. I grant that the difference is very small, and personally I have no hesitation in saying that the Premier wishes the letter to be read, but as the honorable member (Mr. Cuthbert) has raised the point, I would be glad if he would allow the matter to stand over until after the refreshment hour, by which time I shall have ascertained the Premier's views on the subject. I may say, however, that I do not think the honorable member has quite correctly stated what took place on the occasion he alludes to. He was referring to the Wellington election, and he said that he had been elected notwithstanding the fact that the Government had brought out a candidate against him. I interjected that he was incorrect, and I venture to say that he knew he was incorrect—alluding to the letter now in question. Subsequently the honorable member referred to the fact that a candidate had come out, and that it was stated in the newspapers that he was supported by the Government; but, in the first instance, the honorable member distinctly stated that he won his seat notwithstanding the fact that a candidate had been brought out by the Government against him.

Mr. CUTHBERT.—As stated in the newspaper, I said.

Mr. SARGOOD.—The honorable member did not say that till afterwards.

Mr. CUTHBERT.—I have no objection to defer producing the letter until after the refreshment hour.

At a later period of the evening, Mr. SARGOOD said—I have seen the Premier, and, at his request, I beg to ask Mr. Cuthbert to read the letter which he received.

Mr. CUTHBERT.—I shall be happy to produce the letter to-morrow, and read it.

The Hon. J. MACBAIN.—I would like to know if Mr. Cuthbert really did receive a letter from the Premier. I have seen a letter in the honorable member’s possession purporting to be written by the Premier, but it is not signed.

Mr. CUTHBERT.—I will satisfy the honorable member’s curiosity to-morrow.

SUBSTANTIVE GENERAL LAW CONSOLIDATION BILL.

On the order of the day for the consideration of the report from the select committee on this Bill,

The Hon. W. E. HEARN remarked that the select committee had gone through the Bill with great care, and made a considerable number of amendments in it. He desired to express his thanks to the honorable gentlemen who had taken so much trouble in connexion with the matter, and he also wished to acknowledge the extreme pains taken by the officers of the House in carrying through a work of such considerable magnitude. A number of alterations having been made in the Bill, the question arose as to the most convenient way of giving effect to them. It would be a work of great time and trouble to deal with the alterations in the ordinary way, in committee of the whole, and he thought the better course would be to withdraw the original Bill, with the view of introducing a new Bill in the form settled by the select committee. He, therefore, begged to move that the order of the day be discharged from the paper.

The motion was agreed to.

Dr. HEARN moved for leave to introduce a Bill to declare, consolidate, and amend the substantive general law.

The motion was agreed to.

The Bill was then brought in, and read a first and second time, and ordered to be committed.

HOSPITALS AND CHARITABLE INSTITUTIONS BILL.

The amendments made in this Bill, in committee, were considered and adopted.

On the motion of the Hon. J. CAMPBELL, the Bill was then read a third time and passed.

LAND BILL.

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

On clause 27 (the first of part 3, dealing with agricultural and grazing lands) providing for the preparation of a plan, showing the division into "grazing areas" of the
lands comprised within the areas described in the 2nd schedule as agricultural and grazing lands.

The Hon. W. A. ZEAL suggested that there should be some kind of a survey made before the proposed plan was prepared, otherwise the division into grazing areas could not be accurately shown. He did not mean an elaborate survey, which would be tedious and costly, but some kind of personal inspection by a reliable officer of the Lands department.

The Hon. N. THORNLEY stated that he was assured by the Surveyor-General that, when the geodetic survey was made in certain portions of the colony, the contour of the country was accurately ascertained, and information obtained which could be utilized for the purposes of the Bill.

Mr. ZEAL observed that in the first maps issued in connexion with the Bill the Dark River gold-field was not shown. He thought a certain time should be given, so as to enable competent officers to ride over the country, and acquaint the Government with the particular features of each district.

The Hon. F. T. SARGOOD remarked that many of the districts had been already largely surveyed, and there would really be no difficulty in dealing with the matter. The honorable member might be assured that, before the Government parted with any land, its character would be fully investigated and reported upon.

On clause 29, empowering the Governor in Council to grant leases of grazing areas, The Hon. H. CUTHBERT said he did not understand what mode of proceeding was to be adopted in case there were two or more applicants for one grazing area. Was there any way of deciding to which of two or three applicants the lease was to be granted? Supposing two or more applications came in on the same day, who was to decide as to which applicant should get the land? Provision was made in part 2 for dealing with rival applications for pastoral leases, but there did not seem to be any provision of the kind with regard to the present part of the Bill.

Mr. SARGOOD observed that, under clause 150, the Governor in Council had power to make regulations in connexion with applications; but, if there was any doubt whether that clause would apply in the case referred to by Mr. Cuthbert, he would make a note of the matter.

Mr. CUTHBERT stated that he would be prepared to frame the clause he intended to propose in substitution of clause 29, which the committee had struck out, so that the principle of deciding rival applications for pastoral allotments, by submitting the leases to limited auction, should also be applied to grazing areas under part 3 of the Bill.

Mr. SARGOOD remarked that the intention of the Government undoubtedly was that when there were two or more applications for a grazing area the selection of the applicant who should receive the lease was to be left to a board in the same way as was provided in clause 22 with regard to leases of pastoral allotments. He would therefore, after the Bill was gone through, propose a clause similar to clause 22 to apply to the present part of the Bill.

Mr. CUTHBERT moved that the clause be postponed. This would give the Minister of Defence an opportunity of bringing forward the clause of which he had just spoken, and at the same time would enable the committee to refresh its memory as to the matter being brought forward again. He did not approve of the system of passing clause after clause, and then, when the Bill had been gone through, of the Minister in charge of it taking care only to recommit particular clauses. In this way the Council sometimes lost sight of important clauses which it was desirable to reconsider.

Mr. SARGOOD said he challenged any honorable member to point to an instance in which, having promised to afford an opportunity for the moving of an amendment, he had not carried out his promise. He had distinctly promised to submit a clause relative to the mode of deciding between two or more applications, and, in the face of that promise, he thought there was no reason for postponing the present clause.

The Hon. J. MACBAIN said he had no doubt that Mr. Cuthbert would be satisfied on receiving an assurance that he would have an opportunity of moving the amendment he desired.

Mr. SARGOOD observed that what Mr. Cuthbert referred to could be dealt with when his amendment was submitted.

Discussion took place on clause 30, which was as follows:

"Any person, not being a selector under any previous Land Act or Acts, shall be entitled to take up a grazing area, and such person may, after the issue of his lease of such grazing area, select thereon an area not exceeding three hundred and twenty acres (hereinafter designated an 'agricultural allotment'), which shall be in one block or shall consist of adjacent blocks separated only by roads, and subject to all the conditions of this part of this Act, and the same shall be excised from his lease, and he shall be discharged so far as regards the covenants of such lease with respect to such excised land."
Mr. CUTHBERT said he was greatly afraid that the clause in its present form would enable each holder of a grazing area to simply select the very best portion of it for his agricultural allotment. But if that was permitted, what, when the fourteen years' lease expired, would become of the remainder? Would it not be best to subdivide the grazing area into three equal portions, and limit the selector to one of them? He would then be unable to pick out the eye of his holding, and, when his lease expired, the 680 acres that came back into the hands of the State would be worth something. In order that this view might be discussed, he begged to move the omission of the words "and twenty" (line 6).

Mr. MACBAIN considered the adoption of the plan just suggested would practically amount to a departure, not only from one of the leading principles accepted when the Bill was read a second time, but also from one of the main principles of the Act of 1869. Surely the question was one that could not properly arise again until the Bill came up for its third reading.

The Hon. P. RUSSELL thought that, unless the selector was unfettered in the choice of his agricultural allotment, he would hardly be induced to take up any of the land which was now unoccupied, and the occupation of which was so desirable.

The Hon. J. WILLIAMSON asked if, supposing a particular grazing area comprised only 300 acres, the holder would still be entitled to select 320 acres?

Mr. SARGOOD observed that the selection of 320 acres would always be subject to the approval of the Minister of Lands, who would consider the circumstances surrounding each application, and grant it in full or otherwise as he thought fit. The principle recognised by the Bill was that 320 acres might fairly be selected out of 1,000 acres, and no doubt that proportionate ratio would be generally maintained, although, of course, exceptional cases would frequently arise.

The Hon. T. BROMELL considered that the lessee of a grazing area should, under any circumstances, be entitled to select 320 acres as his agricultural allotment.

The Hon. J. A. WALLACE said he quite approved of Mr. Cuthbert's suggestion. It would be a shame if the lessee of a grazing area was enabled to select his agricultural allotment in a way that would spoil the rest of the holding.

The Hon. D. COUTTS thought that the point raised by Mr. Cuthbert was one honorable members need not trouble themselves about, because he (Mr. Coutts) was convinced that every selector would find means at the end of his fourteen years to keep possession of his entire holding.

The Hon. J. BELL expressed the opinion that, in view of the inferior nature of the land to be selected, the holder of a grazing area ought to be able to pick out the best land he could find in it.

The Hon. G. YOUNG said he quite approved of the clause as it stood, because it was in thorough accordance with one of the leading principles of the Act of 1869.

The Hon. C. J. HAM suggested that the clause should be worded so as to forbid the lessee of a grazing area to select land in a way calculated to injuriously affect the value of the remainder of the holding.

The Hon. W. ROSS thought that, if the grazing area holder was restricted in the choice of his agricultural allotment, the inducements held out to him to occupy a certain class of country would be insufficient.

The Hon. J. BUCHANAN considered it essential that each lessee should be able to select the best land he could find in his holding.

The Hon. F. ORMOND said he would like it to be arranged that, no matter how small the grazing area under lease might be, the lessee would be entitled to select 320 acres.

Mr. THORNLEY pointed out that each lessee would, in choosing his agricultural allotment, be bound by the terms of the definition of the word "allotment" set out in the interpretation clause.

Mr. MACBAIN remarked that, if the principles affirmed when the Bill was read a second time were to be carried out, each lessee ought to be able to select the best 320 acres he could find in his holding, although there could be little doubt that his exercise of that power would greatly depreciate the value of the balance of the 1,000 acres.

Mr. CUTHBERT said, the general feeling appearing to be that the clause should stand, he would withdraw his amendment.

The amendment was withdrawn.

Discussion took place on clause 33, which was as follows:—

"Any person being of the age of eighteen years may, any rule of law or Statute to the contrary notwithstanding, take up a grazing area, and legally take a lease thereof, and become the licensee of an agricultural allotment, and thereupon every such person shall, although such person be not twenty-one years of age, be in the same position with regard to his liability under and enforcement by him of all contracts
made with respect to such grazing area or agricultural allotment in the same position as though such person were of the full age of twenty-one years."

Mr. ORMOND inquired whether it would be obligatory on a person who was anxious to have possession of a 320-acre agricultural allotment to take up the whole of a 1,000-acre grazing area?

Mr. SARGOOD replied that it would not be competent for any one to pick 320 acres out of a grazing area, and throw up the rest of the land, and escape the observance of the covenants provided for by the Bill. It should be recollected that one of the objects of the measure was to have the land cleared of vermin.

Mr. WILLIAMSON asked whether a selector of the age of eighteen, who incurred a liability outside the Bill, would be of full age in the eye of the law, and be liable to be sued?

Mr. SARGOOD stated that he would be liable only so far as matters connected with the land which he took up were concerned.

Mr. HAM inquired whether an agricultural allotment taken up by a person of the age of eighteen would be liable to be sold under judgment for a debt incurred by the licensee? (Mr. Sargood—"No.") Then a person who took up land, and went into debt, possibly in connexion with the improvements which he effected, would be able to snap his fingers at his creditor. That appeared to be a very false position.

Mr. BELL observed that any one who advanced money to a licensee of the age of eighteen would surely make himself acquainted with the provisions of the land law, one of which precluded an advance beyond one-half the value of the improvements which he effected, would be able to snap his fingers at his creditor. That appeared to be a very false position.

Mr. WILLIAMSON asked whether this was the clause which would enable married women to select land?

Mr. SARGOOD explained that, when the Bill was before another place, words in a subsequent clause, prohibiting married women from selecting, were struck out.

Mr. WILLIAMSON stated that he considered married women should be allowed to select. He believed that the provision in that direction would be an incitement to matrimony.

Mr. CUTHBERT submitted that the clause was one over which the committee might well pause. It had been stated that, when the Bill became law, all the available Crown land would be quickly taken up, but it would be taken up still more quickly if a married man were allowed, so to speak, to multiply himself, and be able to take up land through his wife. He was at a loss to understand what necessity there was for so great a change in the law as that which would enable a married woman to take up land. He did not object to a young man of the age of eighteen being allowed to take up land. That was provided for in the Land Act 1869—but he did not believe in a married woman, living with her husband, being allowed to select under the general description of a "person being of the age of eighteen years." The term "person," as used in other Acts, did not bear that significance. The Land Act 1869 contained the following provision:

"No person shall become the licensee of any allotment who is an infant under eighteen years of age, or who is a married woman not having obtained a decree of judicial separation;" and he considered that some such provision should be embodied in the clause.

Mr. SARGOOD remarked that the proper place for such a provision was clause 40, and not the clause now under consideration, which dealt simply with the question of age.

Mr. ZEAL stated that to allow married women to select would be to encourage the creation, on the part of married couples, of separate establishments, because, according to clause 4, "occupation" meant "residence by a licensee in his own proper person on or within five miles of his agricultural allotment." He would appeal to Mr. MacBain, who was the guardian of all that was right and proper, to say whether it would not be a gross scandal to allow a married woman to go gallivanting about the country, and settling on land five miles away from her husband?

Mr. MACBAIN recommended Mr. Zeal to go and get married before making appeals on such a subject. It was clear that the clause on which the question whether married women should be allowed to select properly arose was clause 40, and not 33, which dealt more with age than sex.

The Hon. W. E. HEARN observed that clause 33 and clause 40 must be read together. No doubt, as Mr. MacBain suggested, clause 33 was intended to apply more to age than sex, but, notwithstanding what might have been intended, it was perfectly plain that the clause did apply to sex. Under it, "any person being of the age of eighteen," whether man or woman, married or unmarried, could take up a selection,
because, the original limitation with respect to married women having been left out of clause 40, the words had their natural and complete force.

The Hon. N. FITZGERALD submitted that the present was the proper time to discuss the question whether married women should be allowed to select. The marginal note to clause 33 was—

"Persons over eighteen years of age may take up land under this part."

Here was a positive declaration that land could be taken by all persons over the age of eighteen. If it were thought desirable to modify that declaration, the modification should be made at once, and care should be taken that clause 40 was a corroboration of what clause 33 declared.

Mr. ORMOND stated that he understood the object of the Bill to be the better and more permanent occupation of the country, and he considered that one way of accomplishing that object was to allow both man and wife to select. The only scruple he had about the matter was that he thought the allotments taken up by man and wife should be contiguous.

Mr. ROSS urged that the principle that a married woman should be allowed to select should be discussed now, because he considered the principle was affirmed by the clause.

Mr. CUTHBERT observed that, in order that some settlement might be come to with respect to this important matter, he would move the insertion, after "eighteen years," of the words "who is not a married woman not having obtained a decree of judicial separation." The Bill provided that no person should hold more than one grazing area lease; and to allow husband and wife to select would be to go in direct opposition to that provision, because husband and wife should be regarded as one.

The Hon. D. C. STERRY urged that the adoption of the amendment would take away the best feature of the whole measure. Indeed, if the Bill had proposed no other change in the existing law than the introduction of a provision to enable married women to select, that would have been almost all the new legislation that was required. It was absurd that while young unmarried men and women—sons and daughters eighteen years of age—were allowed to select, married women, and amongst them the wives of struggling farmers, were debarred from taking up land. In many cases, 320 acres of land was not sufficient to enable a selector to maintain himself and his family, and the clause as it stood would be of great benefit in such cases by allowing a selector's wife to take up additional land. Some honorable members might say that they would not object to a married woman selecting 320 acres of land, but that the proposal to allow her to take up 1,000 acres was a very different matter. He would remind those honorable members that 1,000 acres of a great deal of the land still in possession of the Crown was not more valuable than 320 acres of a large portion of the territory that had already been selected.

The Hon. D. MELVILLE contended that no reasons had been shown for such a great innovation as the clause would produce. He did not know whether the Government were in earnest in asking the committee to pass the clause as it stood, and he would request them seriously to consider whether it would be for the good of the country to part with the remaining Crown lands in the wholesale way now proposed. He was inclined to think that it was not altogether improbable that the opinion expressed by some honorable members, namely, that the leaseholds would ultimately be converted into freeholds, would prove true. Notwithstanding all the precautions with which the Government had surrounded the Bill, it was quite possible that that event would come off. He was not by any means satisfied that the course proposed by the clause was the right direction to go in. The Legislature had never been asked to deal with the public territory in this way before, and he did not think it was the proper way. A family, consisting of a man and his wife, with two or three children, would, if the children were over eighteen years of age, be able to take up 5,000 or 6,000 acres of land, and it would not require very many such families to absorb the whole of the remaining Crown territory. If all the land was taken up in a few months, as it undoubtedly would be if there was a similar rush for it to that which had taken place for land in the maille, there would, of course, be none left for future generations. There were married men who had lived in Victoria for a long time, and were working hard to bring up their families, but none of whose children had yet attained eighteen years of age. Those children would be unable to select land under the Bill; and yet a man having children over eighteen years of age might come with his family from England to-morrow, and they would be able to take up 1,000 acres each. Look at his (Mr. Melville's) case, for instance. He had
no children over twelve years of age; and, when his children reached eighteen, there would not be any land left for them. How many other colonists were in a similar position? Honorable members ought to recollect that Parliament was the custodian of the rights of the people, not only for the present but for succeeding generations. Would it not be better to permit a married man with a family, irrespective of the age of his children, to occupy 1,000 or 1,500 acres of land rather than allow every person over eighteen years of age to take up a 1,000-acre block? As for married women being allowed to select, no doubt that proposal was intensely popular amongst the farmers. The case had been put to him in this way: the men who had already settled on the lands would like to have a chance of obtaining an additional area through their wives. He desired that the existing selectors should be dealt with as reasonably as possible, but he disented in toto from the statement that 1,000 acres of the remaining land was no better than 320 of the land already selected. That was a mere repetition of the song which used to be sung in the early days of the colony, to the effect that Victoria was not a fit country for agriculture. He was afraid that the Government were possessed of the notion that as there were 20,000,000 acres left, the best thing would be to get rid of them as rapidly as possible. He had heard it said that it was necessary to deal with the lands in the way proposed, or otherwise New South Wales, by her land policy, would attract people from this colony. For his part, he would say let New South Wales attract people from Victoria rather than that the public territory of this colony should be sacrificed.

Mr. WALLACE considered that there was a great deal of sense in Mr. Melville's remarks. He believed, however, that a majority of honorable members were in favour of the clause; and, if so, there was very little use in discussing it. If married women were allowed to select, the selections should be in the names of their husbands. A law allowing them to take up land on their own account would be likely to produce a bad feeling between husband and wife; it would, in fact, create causes for divorce. The Legislature ought not to pass a law which was calculated to have any such effect.

Mr. SARGOOD said there seemed to be an impression on the part of some honorable members that the provision to allow married women to take up land was a Government proposal. As the Bill was originally introduced it contained a provision prohibiting married women from selecting, and the Government, in another place, voted against the omission of that provision, but were beaten by a majority of one. The representatives of the Government would support Mr. Cuthbert's amendment.

Mr. STERRY remarked that allowing married women to select would not offer encouragement to the separation of man and wife, as Mr. Wallace suggested, but the adoption of the amendment would have that tendency.

Mr. BROMELL regretted that the Government were not going to support the clause in its entirety. It was no new idea that married women should be allowed to select. About eleven years ago he was appointed a delegate on behalf of no less than 26 farmers' leagues in the western district to wait upon the then Minister of Lands, Mr. Casey, and urge the desirableness of married women being permitted to take up land. He (Mr. Bromell) did not see why married women who had been in the colony for a number of years should be in a worse position in this respect than young single women just arriving in the colony. Again, it was no uncommon occurrence for the marriage of a farmer to be postponed for a few months, in order that his intended wife might in the meantime select land; and, if a wife could select before she was married, why should not a married woman be allowed to select? He held the representatives of the Government responsible for the safety of the Bill, and he ventured to believe that the measure would not pass at all if the amendment was carried.

Mr. FITZGERALD said that it was a libel on the married people of the colony to suppose that any law would induce them to break the marriage ties. He, however, felt bound to protest against married women being allowed to select land. There were many reasons against it. It would encourage wives, at their husbands' bidding, to neglect their household and maternal duties in order that they might acquire land; and he would never be a party to any legislation of the kind. He would call honorable members' attention to the argument that the effect of the clause would practically be to get rid of the remaining Crown territory at one fell swoop. That point appeared to have been overlooked by those who had addressed the committee after Mr. Melville.

The Hon. H. H. WETTENHALL stated that he was thoroughly astonished
at the position which the representatives of the Government had taken up. This was a Ministerial Bill, and yet the Government were now turning round against the most important and popular clause in the whole measure. If he had known that they were going to do so, he would have been very chary as to supporting the previous clauses. It was absurd that married women should not be allowed to select land, when single women could do so if they were over eighteen years of age. At the same time, he agreed with Mr. Melville that the Bill did not preserve the rights of succeeding generations, and that the whole of the remaining public territory would be absorbed in a very short time.

Mr. MACBAIN thought that strong reasons had been given why married women should not be allowed to select. If they had that power there would be a direct inducement to the wives of men who had already selected to leave their husbands and take up fresh blocks of land. But a married woman required the protection of her husband, and the result would be that if the wife of a selector went to another part of the country to take up land, her husband would have to join her, and to do so it would be necessary for him to sell his present selection. No doubt the whole of the available land would very soon be absorbed if married women were allowed to select. There were only 8,000,000 acres in the agricultural and grazing areas, so that only 8,000 people altogether could obtain a portion of them if they were dealt with in 1,000-acre blocks. If married women were permitted to select, the number of male heads of families who would be able to do so would be considerably reduced. The result of the proposal in the clause as it stood would be that many men would virtually become dependent on their wives for support. There were a number of lazy lubbers who would do nothing for themselves, and who depended on their wives, and it would be undesirable to give them the encouragement which would be afforded by allowing married women to select. He was glad the Government had decided to support the amendment, and he took their action in this matter as an indication that they would also consent to Mr. Cuthbert’s proposal to restore the Bill to its original form in the matter of putting up the leases of pastoral allotments to auction when there was more than one applicant.

Mr. COUTTS said that, while he agreed with the statement that there would be no land left for future generations, he did not think that the prevention of selection by married women would affect the matter. As land could be taken up without residence, every storekeeper about Melbourne would try to become a squatter, and in twelve months there would be no land left worth having, whether married women were allowed to select or not. As to the argument that allowing selection by married women would tend to cause separation between husband and wife, the same argument might be used against selection by a young girl, who might get married next day. For his part, he thought it would be far better, if a choice had to be made, that the wife should be allowed to select rather than the daughter. His experience was that the family settlement in the northern districts was the best settlement the colony could have, and anything that would encourage the system would have his support. He intended, therefore, to vote against the amendment.

The Hon. F. BROWN expressed the opinion that family disagreement was more likely to be brought about by giving the children power to select than by extending the right to the mother of a family. A man and wife who had lived together happily for many years were not likely to become disunited merely through the wife obtaining a selection. Often, however, young people in this country had not the same veneration for old age that was seen elsewhere, and when a daughter or son took up a selection they sometimes set their parents at defiance. He would support the clause as it stood.

Mr. ROSS stated that he failed to see how the privilege of allowing married women to select was more likely to create disunion than the system of allowing young single women to select, and then get married. It was argued that it would be undesirable to allow married women to go gallivanting about the country taking up selections away from their homes; but, on the other hand, it might be contended that the amendment would offer inducements to women to obtain a legal separation from their husbands, or to refrain from getting married at all.

The Hon. J. CAMPBELL said he was surprised at the attack made on the Government in this matter by Mr. Wettenhall, inasmuch as the power of allowing married women to select was not in the Bill as introduced by the Government in another place. They voted against the proposal there where it was only carried by a majority of one, and they were only acting consistently in pursuing the same course now. An
important difference between allowing selection by unmarried women and permitting married women to select was that while when the Bill came into operation there would only be a very limited number of unmarried women about to marry who would take advantage of the measure, on the other hand the wife of every selector in the colony would be able to select at once, and this would practically mean mopping up the lands of the colony. The husbands of these women had already had their turn at the lands of the colony, and it was unfair that they should be allowed what was practically a second opportunity of selection, to the disadvantage of those who had not selected at all. He was surprised at the amendment being opposed by members who represented the native youth of the colony, and he thought Mr. Wettenhall should on this account be the last to support the clause in its present form. The negative of the amendment would practically mean that the native youth of the colony would have no chance of selection at all. He (Mr. Campbell) could not understand the accusation which was persistently made by one section of the House with regard to the present Government throwing away the lands of the colony, while the fact was that this was the first Government which had gone in for the leasing system which would preserve the lands of the colony. The Government, in fact, were preserving a heritage of 14,000,000 acres out of 20,000,000 acres for the rising generation. He could easily understand the existing farmers supporting the proposal to allow married women to select, as it was altogether in their interests; but he thought the interests of the people in the towns, the miners, and, above all, the rising generation, should also have some consideration.

Mr. ZEAL remarked that Mr. Campbell claimed that the present was the first Government who had grappled with the leasing system, but, if honorable members compared the Bill as it now stood with the measure originally introduced by the Government, they would find that there was hardly a shred of the original principles of the Bill left. They were now going to abandon a principle which obtained the sanction of a majority of another place. He (Mr. Zeal) was at first under the impression that the proposal to allow married women to select would necessitate the separation of husband and wife, but he found, on looking carefully into the measure, that such was not the case. A married woman could take up one of the 1,000-acre blocks without necessarily being separated from her husband. He could not see any objection to the wife of a selector obtaining land any more than his daughter. If the lands were to be scrambled for, let it be, at all events, by the agricultural class.

Mr. ORMOND stated that he intended to vote for the clause as it stood. If a block of 1,000 acres was only sufficient—and he did not believe it would be more than sufficient—to maintain a single man, he thought it would require double that area to maintain a man and his wife and family. He also believed that a family would make better occupiers of the land than single men, who at present, in many cases, barely complied with the conditions, and left their selections at intervals to work on stations and farms other than their own. A grazing area of 1,000 acres would, on an average, only maintain about 400 sheep, the income from which would only be about £60 or £80 per annum, and this would not support a family. Again, if married women were prohibited from selecting, there would not be the same inducement offered to married people to go on the land, and he thought it was desirable to encourage settlement by married people.

Mr. CUTHBERT remarked that the question of selection by married women was carefully considered by Parliament in connexion with the Land Act of 1869, and the Legislature decided it would be unadvisable to permit such selection. He thought the Government had acted wisely in proposing to adhere as strictly as possible to the principles of the Land Act 1869. That Act only allowed selection to the extent of 320 acres, and it was now sought by an indirect method to increase the area of selection to 640 acres. Moreover, the effect of the proposal would be to render a married woman independent of the control of her husband, and to induce her to live apart from him, as, in order to obtain the freehold of the 320 acres forming the agricultural allotment of a grazing area, residence on it would be necessary. This unprecedented alteration in the land law of the colony was only carried in another place by a majority of one, and he thought the Council, as custodians of the public territory, should be very cautious in adopting such a new departure in legislation.

Mr. BUCHANAN stated that he must express his surprise at the position taken up by the Government on this question. He had always understood that when a Government introduced a Bill into that Chamber they stood by its provisions, but on the
The committee divided on the amendment—

**Ayes.**

Mr. Campbell, 
Mr. Sargood, 
Cunning, 
Thornley, 
Cuthbert, 
Wallace, 
Fitzgerald, 
Williamson, 
Henty, 
Young, 
Meares, 
Teller, 
Melville, 
Mr. Maclean.

**Nees.**

Dr. Beaney, 
Mr. Ormond, 
Mr. Bell, 
Mr. Ormond, 
Bromell, 
Ross, 
Brown, 
Sterry, 
Buchanan, 
Wittenhall, 
Coutts, 
Zedelges, 
Ham, 
Teller, 
McCulloch, 
Mr. Beaver.

Discussion took place on clause 84, which was as follows:—

“The annual rent to be reserved in every lease of a grazing area shall be a sum per acre of not less than 2d. or more than 4d., and such sum shall be fixed after appraisement of the land by valuers appointed by the board in that behalf. Provided that if there be any substantial and permanent improvements on any grazing area at the date of the commencement of a lease of the same, an additional rent of £5 per centum per annum on the capital value of such substantial and permanent improvements shall be reserved in such lease.”

On the motion of Mr. SARGOOD, “and not” was substituted for “or” (line 3).

Mr. CUTHBERT moved that the proviso be struck out. He observed that under the 110th section of the Land Act 1869, where improvements were erected by a pastoral tenant of the Crown, such as dams and woolsheds, the land upon which those improvements were made, to an extent not exceeding 640 acres, was reserved for his exclusive occupation. It might be said that, as the period for which that Act was passed expired in 1880, the rights conferred upon pastoral tenants expired with it, but it was to be remembered that the Act had been continued in operation since then by continuing Acts passed each year. The present Bill proposed to act fairly by the new class of pastoral tenants who were to be created under it, by allowing them fair compensation for the improvements they made. The only exception to this principle was in the 8th sub-section of clause 25, which escaped the attention of the committee, by which power was given to resume for public purposes land included in a pastoral lease without affording compensation. He hoped the House would deal with that subject in due course. Probably Mr. Sargood would tell the
committee that the existing pastoral tenants had no legal rights in the matter, and no doubt the statement was, in a strictly legal sense, perfectly true; but, on the other hand, if it could be shown that because they, generally speaking, in times of drought, shared the water in their dams with the selectors, they could not be said to have enjoyed the “exclusive occupation” section 110 provided for, surely they were entitled to fair consideration. Perhaps it would be well to recapitulate a little. The portion of section 110 to which he particularly alluded was as follows:—

“But where any woolshed, sheepwash, cattle yard, drafting yard, reservoir, tank, dam, well, or other improvement has, prior to the commencement of this Act, been made, or shall, with the consent of the board, hereafter be made, on any Crown lands held under a licence for pastoral purposes, the land on which such improvements are made, and adjoining thereto, shall, notwithstanding anything contained in this Act, or in any statute, regulation, or order, be reserved for the exclusive occupation of the pastoral lessee of such lands to the extent of one acre for every £1 expended on such improvements, so that the land to be reserved as last aforesaid shall not exceed on any one run 40 acres, and such improvements shall be valued in the manner provided in part 2 of this Act.”

What had been the operation of that provision? The report of the Lands department for 1874 contained the following:—

“Section 110. Reserves for Pastoral Purposes.
—Under this section of the Act, the reserves allowed to pastoral tenants for improvements erected on their runs are still being dealt with by the department. Arbitrations have been held on the bulk of the runs in occupation, and the surveys of the reserves allowed under the same are being executed as rapidly as surveyors can be spared to make them.”

And the report for 1875 stated—

“Reserves under this section of the Act were allowed during the year as the award of the arbitrators and plans of surveys came in.”

Those extracts showed the way in which the section was given effect to from the first, and also the terms upon which it was clearly understood the pastoral tenants were to hold the reserved lands. The point was that they were to have “exclusive occupation,” but how far had that arrangement been carried out, and what were the views of the Lands department as to the future? Some light was thrown on these questions by the recently published reports of the district surveyors on the reserved lands under their charge; from which it appeared, first, that in a vast number of instances—instances so numerous that it would be absurd to take up the time of the committee by citing the tenth of them—the pastoral tenants’ dams had been used, not exclusively by the pastoral tenant, but by “pastoral tenant and public” or “pastoral tenant and selectors;” and, secondly, that the recommendation of the surveyor was in almost every case—“Retain for public use.” How, under such circumstances, could the State, with justice, hand over these improvements to public bodies and also to the incoming pastoral tenants, charging them 5 per cent. for them, and at the same time offer no consideration to the persons at whose expense they were constructed? Would any private landlord, governed by anything like reasonably good principles, attempt to make such an arrangement? With what equity was the State to be a generous landlord to the selectors and the incoming pastoral tenants, and to the outgoing pastoral tenants a harsh tyrant, grinding them down to the last farthing? He would not say that carrying the amendment would make everything straight, but it would prepare the way for future amendments that would do so. Foreexample, if the proviso was struck out, his plan would be to propose, at the proper time, that, wherever the improvements were required for public use, the outgoing pastoral tenant should be paid for them, according to the valuation of the district surveyors, and that, wherever they were not wanted for the public, the land on which they were situated should be submitted to public auction, with a valuation in each case in favour of the pastoral tenant entitled to benefit by it. That would be a fair and proper proceeding, and, moreover, one quite in accord with precedent. For instance, and other instances were plentiful, it was adopted, in 1875, in connexion with Chirnside and Watson’s tank, valued at £30; in 1881, in connexion with a woolshed at Lalor’s, valued at £300; in 1882, in connexion with a reserve at Wordigworm; and, in 1884, in connexion with Winterleigh, on the Buffalo River, the valuation being £532. All these cases were duly described in the Government Gazette, and, the principle laid down with regard to them having been fairly adopted, it ought not to be lightly abandoned.

Mr. SARGOOD thought Mr. Cuthbert had stated his case, and the law with respect to it, very fairly from his point of view. The facts connected with the matter lay in a nutshell. By the Act of 1869 it was provided that land should be leased for pastoral purposes under certain distinct conditions, one being that, at the end of 1880, the leases should expire, and all improvements revert to the Crown, subject, however, to the conditions the honorable member had read,
There could, therefore, be no doubt that whatever the pastoral tenants did under the Act they did with their eyes open, and that, had the territory held by them been resumed in 1880, it would have been resumed in accordance with the terms the law laid down. It was, however, not resumed at that date, and the pastoral tenants had remained in possession for four years beyond the period fixed. (Mr. Cuthbert—"Faying rent all the time.") True, they paid rent for the land, but not for the improvements upon it, which belonged to the Crown, and on account of which any ordinary landlord would naturally have demanded some consideration. Unquestionably the Crown became fairly entitled, in 1880, to charge rent for those improvements, but it did not do so. Under these circumstances, Mr. Cuthbert asked that the agreement the pastoral tenants entered into, and under which they had been, so far, liberally treated, should be, in effect, set aside in their favour. But why should that be done? Let it be borne in mind that the existing pastoral tenants were not, as a rule, the pastoral tenants whom the Crown dealt with in 1869. In a vast majority of cases the pastoral leases had fallen into the hands of second parties, and in very few instances indeed could the lessees of the present day say that the improvements on account of which they claimed consideration were paid for by themselves. Could their claim, therefore, be regarded as equitable? To his (Mr. Sargood's) mind it appeared most unfair, and one to which no ordinary landlord would pay the slightest regard. Mr. Cuthbert offered as an argument, in support of his contention, that in many cases the pastoral tenant's improvements had been shared between them and the public, and no doubt that was the fact. Moreover, it was a fact that redounded very much to the credit of the pastoral tenants concerned, for they acted with humanity. At the same time, it would have been greatly to their discredit had they done anything else, unless it happened to be a case of life and death with their own sheep that the use of the improvements should be restricted to them. But because of what they did in that way, it could hardly be said to follow that they should receive payment for improvements which to all intents and purposes did not belong to them, and for which they must know they were not entitled to expect one penny. Again, in many instances the improvements in question were no longer in connexion with any leased land. The runs formerly attached to them had been abandoned, and they were now practically on "no man's land." Lastly, it should be observed that the amendment could hardly be accepted by the committee, because the words proposed to be omitted contained a provision which it was absolutely necessary to retain.

Mr. MACBAIN considered Mr. Sargood had not fairly grappled with the question raised by Mr. Cuthbert. Would not the Government admit, for example, that from the beginning the pastoral tenants were led to believe that they would be allowed to hold their land until it was required for actual settlement—for uses other than pastoral uses? If they were prepared to admit that, why would they not carry out the principle to the end? Then, supposing that a number of the original pastoral tenants had sold their right to new-comers, did it follow that the latter did not inherit, so to say, the equitable rights of their predecessors? Again, the present case was different from what it would have been had the pastoral leases been determined in 1880, inasmuch as a very large number of the pastoral tenants who were, in default of a new land law, allowed to retain their holdings, naturally clung to them, even at a loss, because the rent they had to pay exceeded the natural capacity of the land they held, in the expectation of fairly liberal treatment in the future. Besides, there seemed something strikingly unjust in the Crown charging the incoming pastoral tenants with rent for improvements for which they would not allow the outgoing pastoral tenants one penny. (Mr. Sargood—"It is all according to the agreement.") Would Mr. Sargood advocate, in a certain adjoining colony, the principle he now contended for with respect to Victoria? Let an agreement with the State be what it might, ought it not to be carried out in a spirit of consideration as well as equity? For himself, he would say that, as a rule, the memory of the old pastoral tenants ought to be cherished as that of men to whom the colony owed almost everything, and that to hunt their successors off the territory simply because they were poor and had no parliamentary influence would be a most unjustifiable proceeding. He would not assert that the existing pastoral tenants were entitled to the full value of their improvements, but, in common fairness, they ought to receive a portion of it.

Mr. WALLACE thought no one could deny that the old pastoral tenants had been very badly used, because the way in which
their land was allowed to be selected, and
their flocks were suddenly sent adrift, often
subjected them to great and needless hard­
ships. Under any circumstances, however,
the men who were about to be dispossessed
ought to receive some compensation for
their improvements, especially as the money
would come not from the public treasury,
but from their successors.

Mr. BELL contended that the adoption of
the amendment could not advance the
object Mr. Cuthbert had in view.

Mr. COUTTS remarked that he quite
agreed with Mr. Cuthbert's statements, but
he could not see why the proviso should be
struck out.

Mr. CUTHBERT said he felt, upon
second thoughts, that it might possibly
hamper his case at a future time if the
amendment was carried. He would, there­
fore, withdraw it.

Mr. MACBAIN asked if Mr. Sargood
would allow the clause to be recommit­
ted, should Mr. Cuthbert's intended proposal
with respect to compensation for improve­
ments be carried?

Mr. SARGOOD replied in the affirmative.

The amendment was withdrawn.

On clause 35, setting forth the covenants
to be contained in every lease of a grazing
area,

Mr. MACBAIN drew attention to the
2nd sub-section, providing that the lessee
should not "assign, sublet, or subdivide"
his land without the consent of the Board
of Land and Works, and moved the inser­
tion, after the word "assign," of the words
"except by way of mortgage." He said
the amendment would assimilate the cove­
nant to the corresponding covenant in the
pastoral allotment leases.

Mr. SARGOOD pointed out that special
privileges in the way of mortgage were
allowed to the selectors of grazing areas.

The amendment was withdrawn.

The Hon. W. PEARSON called attention
to the 4th sub-section, providing for a
covenant requiring the lessee to destroy
vermin, and keep the land free from vermin
during the currency of the lease. He had
no objection to the provision, but he con­
sidered the Crown ought to be compelled
to destroy vermin on unalienated land. It was
useless for lessees to exert themselves in
this direction so long as their land was
subject to the inroad of vermin from Go­
vernment reserves and other lands in the
hands of the Crown.

Mr. SARGOOD observed that the Go­
vernment fully recognised their liability in
the matter, and contemplated the introduc­
tion of a Vermin Bill before the close of the
session.

Mr. WALLACE drew attention to the
6th sub-section, as follows:—

"A covenant that the lessee will not, during
the currency of his lease, ring or destroy or,
except for the purpose of fencing or building on
the land demised by such lease, cut down any timber
in or upon such demised land, unless with the
sanction of the board signifyed in writing, and
under the supervision of an officer appointed in
that behalf by the board;"

and moved the omission of all the words
after "demised land" (line 5).

Mr. WETTENHALL observed that,
under the sub-section as it stood, a lessee
would not be able to take firewood from the
land for his own domestic use.

Mr. WILLIAMSON considered the
amendment was too sweeping. If provision
were made for allowing the lessee to cut
down timber for mining and firewood pur­
poses, the sub-section might be allowed to
pass as it stood.

Mr. WALLACE explained that his
object was to prevent ringing.

Mr. ROSS remarked that the adoption of
the amendment would mean the total ces­
sation of selection in some parts of the country.
In Gippsland, for example, the first thing
the selector had to do was to clear away the
timber.

Mr. WALLACE observed that two or
three gentlemen, from Gippsland, had that
day expressed to him their sorrow that he
did not succeed in carrying the similar
amendment which he proposed the previous
evening with respect to the timber on pas­
toral allotments. They assured him that
for the last two years there had been unusual
dryness in Gippsland, and they considered
the fact attributable to no other circum­
stance than the ringing of timber which
brought about the death of the trees.

Mr. ROSS stated that, no doubt, the
destruction of timber had a great deal to do
with the rainfall; but land had to be taken
up, and a large portion of the country would
be totally unfit for any purpose whatever
unless the timber could be removed. He
believed as much as Mr. Wallace in the
necessity for the conservation of timber; at
the same time he held that to say no timber
should be ringed meant putting a stop to
selection. The way to carry out Mr. Wal­
lace's idea would be to enlarge the area of
the forest reserves.

Mr. MELVILLE remarked that, as the
timber on the land already selected was be­
yond the control of the State, and as the
best half of the country had been taken up, it was only wise to adopt precautions in the direction indicated by Mr. Wallace with regard to the timber on land still in the possession of the Crown. Were this not done, the colony might become a desert—a howling wilderness. He would like to know whether the Bill contained any provision for timber planting?

Mr. SARGOOD stated that clause 10 empowered the Governor in Council to proclaim reserves for the growth and preservation of timber; and the Bill contained ample provision for the preservation of sufficient timber for mining purposes. Altogether there would be something like 14,000,000 or 15,000,000 acres from which timber could be obtained. It was an extraordinary thing that the heavily timbered localities had suffered more from the recent drought than any other portions of the colony.

Mr. WALLACE remarked that the first thing persons who took up grazing areas under the Bill would do would be to apply to the Minister of Lands for leave to ring the timber; and if that were allowed in a district like Bethanga—where some of the finest timber in the colony grew—what would the miners in that part of the country do? He considered that, if his amendment could not be accepted, steps should be taken for the enlargement of the gold-fields areas and the forest reserves.

Mr. STERRY observed that he fully appreciated the importance of taking precautions against the wholesale destruction of timber. At the same time he did not believe in the amendment of the sub-section in the sweeping way proposed by Mr. Wallace. There was a great deal of land which grew timber that was useless for commercial purposes, and that at the same time rendered the land unfit for grazing. That timber lessees would be unable to touch if the amendment was carried. He believed in the Bill providing that timber on auriferous areas should not be ringed or destroyed. Many of those areas were far too small; they should be extended. The clause, however, did not apply to auriferous areas.

Mr. WALLACE stated that he was confident that a large extent of auriferous country would be open to selection as soon as the Bill became law.

Mr. BROWN expressed the fear that unless special timber reserves, on which miners would have the privilege of going for timber for mining purposes without having to pay exorbitant fees, were provided in different parts of the colony, the Bill would not be law long before lands would be found locked up, and miners unable to obtain timber without paying enormous prices for it.

Mr. PEARSON mentioned that a large portion of the land in the county of Dargo was coloured blue on the map which had been circulated with the Bill; but he could state, from personal knowledge, that nearly all the land so marked was auriferous.

Mr. SARGOOD stated that the Bill contained provision authorizing any mistake in the colouring of the map to be rectified.

Mr. ZEAL submitted that, if the clause were to pass as it stood, the Government might as well discharge Mr. Ferguson, and shut up the Mount Macedon Nursery. He could understand the value of the sub-section if, under it, a certain number of trees per acre were to be grubbed up and cut into firewood; but he could not understand the force of allowing selectors to go on the land and ring trees for the mere sake of destroying them, and allowing the timber to rot. If that were permitted, how was timber to be obtained in the future? He could understand a provision for the thinning out of trees, which would allow of the growth of new and valuable timber, but this was not what the Government proposed. They proposed to allow the selector to go in and sweep the whole country before him. (Mr. Sargood—"Oh! no.") The lessees of grazing areas would naturally seek to place their land in such a position that they would get better grass, and the cheapest way of getting better grass was to ring the timber. But the ringing of timber meant the leaving of stumps, which were a perfect disfigurement to the country. In many mining districts there was at present a great outcry for timber. The miners of Sandhurst wanted a line of railway to Heathcote, for the purpose of getting timber. So scarce had timber now become that they had to go twenty or thirty miles for it. The miners of Clunes had to go to the Pyrenees for the same commodity. The southern slope of Mount Macedon, which some years ago was covered by an impenetrable forest, had now scarcely any live timber upon it; and there had never been known such a drought on the Yan Yean watershed as existed at present, and this had been brought about by the country being denuded of timber through the operations of splitters. Under these circumstances it was the business of the Government, as the custodians of the public estate, to bring forward some feasible scheme for the conservation of timber,
and not permit the Land Bill to contain a clause which would allow grazing lessees to go on the land in a haphazard way and ring everything before them.

Mr. SARGOOD remarked that the sub-section, if fairly read, would bear just the opposite construction to that which Mr. Zeal had put upon it. Great care would be exercised by the Board of Land and Works in allowing timber to be ringed, and it would not be allowed at all except under the supervision of an officer appointed by the board. As to the grubbing of trees, he was astonished at such a suggestion proceeding from a practical man. He had seen, in Gippsland, timber worth £40 per acre to grub. The points mentioned by Mr. Zeal the Government were fully seized of. In fact, a Forest Conservancy Bill was in print, and he hoped it would be under the consideration of the Council before the session terminated.

Mr. ZEAL stated that there was, in Gippsland, timber worth £1,600 per acre; and therefore an expenditure of £40 per acre in grubbing it would be a very profitable investment.

Mr. MACBAIN suggested that, before Mr. Wallace's amendment was dealt with, words should be inserted in the sub-section to repair the defect to which Mr. Wettenhall had called attention, namely, that under it a lessee could not cut down timber for firewood without the knowledge and consent of the Board of Land and Works. He begged to move the insertion after "building" of the words "or domestic use."

Mr. SARGOOD expressed his willingness to accept this amendment.

Mr. ZEAL objected to the term "domestic use" as too indefinite. Moreover, he considered the amendment unnecessary, in view of the fact that on almost every allotment there were thousands of tons of firewood.

Mr. MACBAIN remarked that on many grazing areas no firewood would be found except what was cut down for the purpose.

Mr. STERRY suggested that the amendment should be withdrawn, and the sub-section postponed, with a view to its modification in such a way that it would be more satisfactory than it was in its present shape.

Mr. ZEAL moved that the Chairman report progress.

Mr. SARGOOD said he was always anxious to meet the wishes of honorable members, but he thought it somewhat unreasonable to ask that progress should be reported at this stage. The Government did not wish to reconsider the matter. They were perfectly satisfied that, under the clause as it stood, the timber of the country would be fairly conserved.

The committee divided on the motion for reporting progress—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>...</th>
<th>...</th>
<th>...</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>18</td>
</tr>
</tbody>
</table>

Majority against reporting progress

<table>
<thead>
<tr>
<th>AYES.</th>
<th>Mr. Cuthbert,</th>
<th>Mr. Wallace,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot; Fitzgerald,</td>
<td>&quot; Zeal,</td>
</tr>
<tr>
<td></td>
<td>&quot; Pearson,</td>
<td>&quot; Teller,</td>
</tr>
<tr>
<td></td>
<td>&quot; Sterry,</td>
<td>Mr. Melville.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES.</th>
<th>Mr. Balfour,</th>
<th>Mr. MacBain,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot; Dr. Beaney,</td>
<td>&quot; McCulloch,</td>
</tr>
<tr>
<td></td>
<td>&quot; Mr. Bell,</td>
<td>&quot; Meares,</td>
</tr>
<tr>
<td></td>
<td>&quot; Bromell,</td>
<td>&quot; Sargood,</td>
</tr>
<tr>
<td></td>
<td>&quot; Brown,</td>
<td>&quot; Thornley,</td>
</tr>
<tr>
<td></td>
<td>&quot; Buchanan,</td>
<td>&quot; Wettenhall,</td>
</tr>
<tr>
<td></td>
<td>&quot; Campbell,</td>
<td>&quot; Young,</td>
</tr>
<tr>
<td></td>
<td>&quot; Consts,</td>
<td>&quot; Teller,</td>
</tr>
<tr>
<td></td>
<td>&quot; Cumming,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; Henty,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; MacBain,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Teller,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr. Ross,</td>
<td></td>
</tr>
</tbody>
</table>

Mr. MacBain’s amendment was agreed to.

The committee divided on the question that the words "unless with the sanction of the board, signified in writing, and under the supervision of an officer appointed in that behalf by the board" (proposed to be omitted) stand part of the sub-section—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>...</th>
<th>...</th>
<th>...</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>8</td>
</tr>
</tbody>
</table>

Majority against Mr. Wallace's amendment

<table>
<thead>
<tr>
<th>AYES.</th>
<th>Mr. Balfour,</th>
<th>Mr. McCulloch,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot; Dr. Beaney,</td>
<td>&quot; Meares,</td>
</tr>
<tr>
<td></td>
<td>&quot; Mr. Bell,</td>
<td>&quot; Ross,</td>
</tr>
<tr>
<td></td>
<td>&quot; Bromell,</td>
<td>&quot; Sargood,</td>
</tr>
<tr>
<td></td>
<td>&quot; Brown,</td>
<td>&quot; Thornley,</td>
</tr>
<tr>
<td></td>
<td>&quot; Buchanan,</td>
<td>&quot; Wettenhall,</td>
</tr>
<tr>
<td></td>
<td>&quot; Campbell,</td>
<td>&quot; Young,</td>
</tr>
<tr>
<td></td>
<td>&quot; Consts,</td>
<td>&quot; Teller,</td>
</tr>
<tr>
<td></td>
<td>&quot; Henty,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; MacBain,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; Teller,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mr. Thornley.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOES.</th>
<th>Mr. Brown,</th>
<th>Mr. Wallace,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&quot; Cuthbert,</td>
<td>&quot; Zeal,</td>
</tr>
<tr>
<td></td>
<td>&quot; Fitzgerald,</td>
<td>&quot; Sterry,</td>
</tr>
<tr>
<td></td>
<td>&quot; Melville,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&quot; Pearson,</td>
<td></td>
</tr>
</tbody>
</table>

The sub-section, as amended, having been passed,

Progress was reported.

RAILWAY CONSTRUCTION BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. J. CAMPBELL, was read a first time.

The House adjourned at thirteen minutes to eleven o’clock.
LEGISLATIVE ASSEMBLY.

Wednesday, November 12, 1884.


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

PERSONAL EXPLANATIONS.

Mr. STAUGHTON said—Mr. Speaker, I rise to make a personal explanation. The honorable member for South Bourke stated, last night, when I moved that the Great Southern Railway should start from Pakenham instead of Dandenong, that he concluded I did it for my own personal advantage. I am sure that now, in his cooler moments, he must realize that that imputation does not lie against me. Although I am confident that no member of this House believes for one moment that the imputation does lie, the outside public and my constituents might, and I have no doubt many will, believe that it does. Therefore, I trust that the honorable member for South Bourke will do me the justice either to repudiate the imputation or to withdraw it. I confidently assert that, as I stated last night, the starting of the line from Pakenham instead of Dandenong would not benefit me one iota—one brass farthing. I fear no inquiry into the matter. Anybody can ascertain if such an imputation lies against me; if it does, I am willing to submit to just punishment.

Mr. KEYS.—Sir, I am not aware that I made any imputation against the honorable member for West Bourke (Mr. Staughton). What I intended to convey, when I made my remarks, was that the honorable member was interested in land in the district, and that a member of another place, who has spoken very strongly against the honorable member for Mornington, also possessed land through which the line would pass. I am sure the honorable member for West Bourke will give me the credit that I would not intentionally say he was personally interested, or rather that he moved his amendment because he was personally interested. I had no intention to convey any insinuation of the kind. All that I intended to convey was that he was the owner of land in the neighbourhood; and I think that is admitted.

The SPEAKER.—I understand that the honorable member for West Bourke (Mr. Staughton) feels aggrieved because a wrong impression is likely to be formed by something which transpired in debate last night. I think it due to the honorable member that the gentleman who is answerable for the creation of that impression should endeavour to remove it in a more explicit manner than the honorable member for South Bourke has done.

Mr. KEYS.—I certainly intended no reflection upon the honorable member.

Mr. STAUGHTON.—Does the honorable member for South Bourke withdraw what he said?

The SPEAKER.—When a member of this House, after making a reflection upon another member, is convinced that a wrong impression has thereby been produced upon the public mind, his first duty is to seek to remove that impression. The honorable member for West Bourke seems to think that the impression he complains of is not removed. That being so, I am sure the honorable member for South Bourke will not hesitate to do what is necessary to remove it.

Mr. KEYS.—I have no hesitation in withdrawing anything I said which may be deemed offensive by the honorable member for West Bourke.

PUBLIC SERVICE.

Lt.-Col. SMITH asked the Minister of Public Works whether he had approved of an officer of his department preparing plans and inspecting works in connexion with a gold-mining company in the Creswick district, and whether he considered the proceeding in accordance with the civil service regulations?

Mr. DEAKIN stated that he did not approve, nor was he asked to approve, of an officer of the Public Works department
preparing the plans or inspecting the works referred to; but, being informed that an officer was so engaged, he caused inquiry to be instituted, when he was given to understand that no charge was made for the work, which was done out of departmental hours. The officer had since been informed that, in future, he must obtain the consent of the Minister before engaging in such undertakings.

Mr. COOPER expressed the hope that the Minister of Public Works would take no steps to prevent the officer referred to continuing the work on which he was engaged, and which was of paramount importance to the Creswick district.

**PENAL DISCIPLINE.**

Mr. COPPIN asked the Chief Secretary whether the Government intended to ask Mr. Howard Vincent's opinion and advice upon the prison, reformatory, and boarding-out systems in force in Victoria; and more particularly as to his practical experience in the classification of prisoners and their conditional liberation upon probation, corporal punishment, and reformatory ships like the Sydney _Vernon_?

Mr. BERRY stated that before the honorable member for East Melbourne (Mr. Coppin) gave notice of his question he communicated with Mr. Vincent with regard to the subjects mentioned; but, while that gentleman expressed his willingness to afford information or to do anything which might be considered desirable in the interests of the colony, on the occasion of his present visit he would not have time, because his engagements required him to leave Melbourne the following morning. Should Mr. Vincent return, he (Mr. Berry) would take care to renew his request.

**RAILWAY DEPARTMENT.**

Mr. DERHAM asked the Minister of Railways when the usual annual increments to the employes of the Railway department would be made payable?

Mr. GILLIES stated that the matter was now under the consideration of the Railway Commissioners.

**ART UNIONS.**

Mr. BERRY observed that, the previous evening, when answering the question of the honorable member for the Ovens (Mr. Billson) with respect to art unions, he was not in possession of the report on the subject which he expected from the Police department. Since then he had received the following memorandum from the Chief Commissioner of Police:

> "I find that the advertised art union is for the purpose of raising funds to provide a dwelling for members of a certain religious order whose vows prevent their holding property of any kind. The Carmelites, which is the order in question, is termed a 'mendicant' order.

> "I have ascertained that the promoters of the affair complied with the requirements of Act 552, sec. 5; that is to say, gave due notice to the honorable the Attorney-General of their intention to hold the art union, and that gentleman, in his acknowledgment of the said notice, did not, as required by the Act, prohibit the scheme.

> "In view of the above circumstances, I consider the projected art union is within the law, and that there are no reasonable grounds for police interference.

> "It may be noted that the committee of the scheme includes Sir P. Jennings, of New South Wales, the Attorney-General of South Australia, Mr. Derham, M.L.A., and other gentlemen of standing in this and the adjoining colonies."

Accompanying the memorandum was a copy of a legal opinion given by the Attorney-General, some time since, with regard to a similar case.

**RABBIT BILL.**

Mr. W. MADDEN asked the Minister of Lands when he proposed to introduce the amending Rabbit Bill?

Mr. TUCKER said he hoped to be able to do so in the course of a few days.

**PETITION.**

A petition was presented by Mr. J. J. MADDEN, from residents of Belfast, in favour of the continuation of the grocers' (single-bottle) licence.

**POWDER MAGAZINE.**

Mr. McCOLL, inquired of the Minister of Mines whether he would take steps to proceed, without delay, with the powder magazine at Lightning Hill, Eaglehawk?

Mr. LEVIEN stated that a requisition for the accommodation had been made to the Public Works department.

**WATER SUPPLY DEPARTMENT.**

Mr. McCOLL said he desired to ask the Premier whether he would take into consideration the desirability of placing the water supply of the colony under the control and direction of one political head free from the control of any other department? In putting the question, he hoped he might be allowed to make one or two remarks.

The SPEAKER.—The honorable member must confine himself to facts which may be necessary to explain the question.

Mr. McCOLL observed that California, now the richest state in the American...
Union, furnished an example of what might be done by irrigation. A newspaper received that morning informed him that land in California sold a few years ago for 4$, 2d. per acre had benefited so much by irrigation that it had since been sold for £20 per acre. He had fought this battle now for twenty-two years. Government after Government had failed in their promises to him; and he had been coolly told that, when he was dead and gone, he would have credit for what he had done.

The SPEAKER.—Do I understand the Government to desire this kind of discussion to go on?

Mr. SERVICE said the Government had not expressed any desire to that effect.

The SPEAKER.—Then I must assume that the House is not agreeable to this breach of order.

Mr. McCOLL was proceeding with his observations when

Mr. SERVICE interposed, stating that, as he had been appealed to, he must endeavour to support the Speaker’s ruling. The honorable member for Mandurang (Mr. McColl) was not doing right in making a speech when putting a question. The honorable member should submit to the ruling of the chair.

Mr. McCOLL said he would reserve his further remarks for another occasion.

Mr. SERVICE, in reply to the question, stated that at present the water supply of the colony was under the direction and control of one political head; and he was not aware of any interference having been exercised over the Minister of Water Supply by any other department. He did not understand whether the honorable member for Mandurang wished him, as the head of another department, to interfere with the control of the Water Supply department. In fact, he had some difficulty in realizing the precise purpose of the question. Perhaps the honorable member would give him, either privately or publicly, the reason why he put the question, in order that the information which he might desire should be furnished.

NEW GUINEA.

Mr. McCOLL asked the Premier whether the Government would depute one of its officers—say Captain Fullarton—to proceed without further delay to New Guinea, in a local man-of-war, for the purpose of annexing the north-eastern coast of that island to the colony of Victoria?

Mr. SERVICE replied in the negative.

CHURCH OF ENGLAND PROPERTY TRUSTEES BILL.

Mr. KERFERD presented a message from His Excellency the Governor, recommending an amendment in the enacting portion of the preamble to this Bill.

The amendment was agreed to, and a message inviting concurrence therein was ordered to be transmitted to the Legislative Council.

PASSENGERS, HARBOURS, AND NAVIGATION STATUTE AMENDMENT BILL.

This Bill was received from the Legislative Council, and, on the motion of Mr. SERVICE, was read a first time.

GOVERNMENT ADVERTISING.

Mr. GRAVES moved—

"That there be laid before this House a return showing the disposal of the advertising vote, together with the amounts paid to the various newspapers for the year ending August 31st, 1883, and the year ending August 31st, 1884."

Mr. W. M. CLARK observed that the honorable member for Delatite was incorrect when he stated, the previous night, that it was usual to have returns of this character laid before Parliament. Such returns were never furnished to the House until within the last four years.

The motion was agreed to.

BANKING COMPANIES LAW.

Mr. SERVICE moved—

"That this House will, to-morrow, resolve itself into a committee of the whole to consider the law relating to banking companies."

Mr. KERFERD seconded the motion, which was agreed to.

RAILWAY CONSTRUCTION BILL.

On the motion of Mr. GILLIES, this Bill was read a third time. Verbal amendments were made in clauses 3 and 14.

The Bill then passed.

Mr. GILLIES expressed his acknowledgments to honorable members for the great consideration they had displayed, and the assistance they had rendered, in connexion with the passage of this important measure.

LOAN BILL.

The House went into committee to consider the Governor’s message on the subject of this Bill, presented the previous day.

Mr. SERVICE moved—

"That it is expedient that an appropriation be made out of the consolidated revenue for the
purposes of a Bill to authorize the raising of money for the redemption or payment of certain debentures and for other purposes."
The resolution was agreed to, and was reported to the House.

**AGENT-GENERAL'S ACT AMENDMENT BILL.**
The House then resolved itself into committee to consider the Governor's message on the subject of this Bill, presented the previous day.

Mr. SERVICE moved—

"That it is expedient that an appropriation be made out of the consolidated revenue for the purposes of a Bill to amend an Act intitled 'An Act to make better provision for the office of Agent-General.'"
The resolution was agreed to, and was reported to the House.

**WORKROOMS AND FACTORIES BILL.**
The House afterwards went into committee to consider the law relating to factories and the hours of trading in shops.

Mr. DEAKIN moved the following resolutions:

"That it is expedient to bring in a Bill for the supervision and regulation of factories, and for the limitation of the hours of trading in shops."

"That on and after the 1st January, 1885, the following annual registration fees shall be chargeable, viz.:

- Every factory or workroom in which more than 60 persons are employed, per annum ... £2 2 0
- Every other factory or workroom, per annum ... 1 1 0
- Every domestic factory ... 0 1 0."
The resolutions were agreed to, and were reported to the House.

**COLLEGES OF AGRICULTURE BILL.**
The House then resolved itself into committee to consider the Governor's message on the subject of this Bill, presented November 5.

Mr. KERFERD moved—

"That it is expedient that an appropriation be made of rents for the purposes of a Bill to provide for the establishment of colleges of agriculture and for other purposes."
The resolution was agreed to, and was reported to the House.

**RESIDENCE AREAS ACT AMENDMENT BILL.**
Mr. KERFERD, moved that this Bill be read a second time. He explained that the measure had been introduced in compliance with a promise made by the Government when the Land Bill was under consideration.

The object of the Bill was to increase the quantity of land which might be held as a residence area from a quarter of an acre to one acre, and to enable the holder, after he had made improvements upon it, to purchase the allotment at a valuation instead of by auction.

The motion was agreed to.

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

On clause 3, providing that the holder of a residence area, if he had been in possession not less than two years and a half, and had made improvements thereon, should be entitled to the pre-emption of the land, at a price to be determined by an appraiser appointed by the Board of Land and Works, if there was no objection to its alienation on the ground of it being auriferous,

Mr. BURROWES proposed the addition of the following words:

"In the event of the Crown requiring to resume possession for public or other purposes of any residence area, the holder of any such area shall be entitled to payment of compensation therefor."

This would place the holder of a residence area in the same position, in the event of the Crown requiring to resume possession of it, as he would be if he had purchased the land.

Mr. KERFERD said that, whether the provision was inserted in the Bill or not, no Government would resume possession of a residence area without paying compensation. He would accept the amendment, with the qualification that it should be further amended at a later stage if necessary.

The amendment was agreed to.

The Bill, having been gone through, was reported with an amendment.

**MINING ON PRIVATE PROPERTY BILL.**
The amendments of the Legislative Assembly in this Bill disagreed with by the Legislative Council were taken into consideration.

Mr. KERFERD said he was sure it would be a source of gratification to honorable members that at last there was an opportunity of having a Mining on Private Property Act placed on the statute-book. Practically there were three amendments made in the Bill by the Assembly with which the Council had disagreed, but they involved nothing very serious in view of the proposals contained in the Bill. The matter had now arrived at the stage that it rested with the Assembly to say whether they would waive the amendments, and thereby...
get a Mining on Private Property Act placed on the statute-book. He believed that it would be very unwise, after all the years of contention on the subject, extending over about a quarter of a century, to allow the opportunity to pass. (Mr. James—"Provided we don't give up too much.") He desired to show that the Assembly would not be giving up anything very serious by waiving the amendments disagreed with by the Council. The first amendment was one introduced at his instance, for the purpose of making the 16th clause of the Bill conform to a provision adopted by the Council themselves. The 51st clause contained a provision that an agreement made between the holder of a miner's right and a landowner required, in order to have legal effect, to be approved of by a warden. For some reason or other the Council had not accepted the amendment in the 16th clause, which, as he had already stated, was in conformity with the provision contained in the 51st clause. However, he did not propose to ask the Assembly to insist on the amendment, which consisted of the insertion of the words "if approved of by him," namely, the warden. The second amendment disagreed with by the Council was one to which some importance was attached by honorable members. It was in the same clause—clause 16. The latter portion of the clause provided that mining on private property might take place under an arrangement that the miner should pay the landowner, as compensation for the damage done to his property, by a percentage of the gold taken from the land, and the Assembly's amendment consisted of the insertion of the words "net profits" after "percentage." The effect of not inserting these words would be to allow arrangements to be made under which the percentage could be paid either on the net profits or on the gross yield of gold, as the parties might mutually agree between themselves. In any cases in which miners could not come to what they regarded as satisfactory terms with the landowners, the former would be amply protected by the other provisions of the Bill, which enabled miners to avail themselves of the machinery of the Court of Mines to assess the amount which they should pay the landowner as compensation for surface damage to entitle them to mine on the land. Under these circumstances, he had determined not to ask the House to insist on this amendment. The third amendment with which the Council had disagreed was the one limiting to seven years the period for which the Bill would legalize existing agreements. Some honorable members had said that, if the principle of legalizing existing contracts was recognised, the question of the number of years for which they were legalized was very immaterial. The Bill as it was received from the Council proposed that they should be legalized for fifteen years, and the Assembly substituted "seven" for "fifteen." The Council had disagreed with the amendment, but they had added the two terms—seven years and fifteen—together, and divided them equally, so that they had compromised the matter by naming eleven years as the period for which existing agreements should be legalized. He would ask the Assembly to accept this compromise. He thought that seven years would cover the large majority of existing contracts, but he believed that there were some cases in which hardship would be inflicted if a shorter period than was proposed by the Council was insited upon. He would remind the House that at present the Government had no exact data as to the number of agreements which were in existence for mining on private property, and the terms of those agreements; but when the Bill came into operation it would be necessary for all existing agreements to be registered in order to be legalized. When the registration took place, the Government would then have before them material on which to frame any amendment of the measure that might be found necessary. His opinion was that the amendments disagreed with by the Council ought to be waived in order that the Bill might become law, even if the Government had to ask Parliament to amend it next session. Let honorable members, at any rate, get the measure on the statute-book. If it was once placed there, he ventured to say that it would never be repealed, although it might be found necessary to amend it in some respects. He begged to move that the amendments in clause 16 disagreed with by the Council be not insisted on, and that the Assembly agree to the amendment substituting "eleven" years for "seven" as the period for which existing agreements should be legalized.

Mr. JAMES stated that, from the tone of the House during the Attorney-General's remarks, he was quite sure that it was of no use opposing the proposition of the Government. As a mining representative, he was anxious, along with other honorable members, to get a Mining on Private Property Bill on the statute-book,
but it seemed to him that the Government, in accepting eleven years as the term for which existing agreements were to be legalized, were altogether too pliable. The Bill, as originally introduced in the Council, proposed that they should be legalized for seven years. That proposal was in itself a compromise, and was agreed to by the Assembly as a compromise, when the Assembly resolved not to accept fifteen years, as proposed by the Council. Personally, he did not approve of it, and he was still of opinion that existing agreements ought not to be legalized, even for a period of seven years. He had hoped, however, that the Government would have sufficient firmness to stand by their own resolution as to the seven years. (Mr. Mackay—‘And lose the Bill?’) He did not know that insisting upon seven years ‘would result in the loss of the Bill. If the House showed no disposition to stand up for any particular principle, but was prepared to give way every time that an appeal was made to it from the other Chamber, there would soon be nothing else for it to do but to give way. The Assembly gave way quite sufficiently when it consented to seven years as a compromise, and he believed that, if the Government had stood firm, the Council would have conceded the point. He considered that the Miners’ Association made a most grievous mistake when they consented to existing contracts being legalized for seven years. It was well known that the members of the association, who consisted principally of working miners, were opposed to those contracts being legalized at all, but they consented to the compromise of seven years because they looked at the question as one of policy, and not of principle. If they had allowed the matter to be fought out by the Assembly, there would have been a different result.

Mr. WOODS remarked that, although the term for which it was now proposed to legalize existing agreements was four years longer than the Assembly had agreed to as a compromise, honorable members, by waiving the amendments disagreed with by the Council, would see “the beginning of the end.” For twenty-five years the mining members had been struggling to reach that stage, and they had now to decide whether they would remain at the point from which they started or accept what was within their reach. He had paid particular attention to the Bill, and he believed that the views of the miners whom he represented were in accord with the views expressed by the honorable member for Ballarat East (Mr. James); but, under the circumstances, he trusted that all opposition, even in the way of the expression of opinion, would cease.

Mr. MACKAY concurred with the honorable member for Stawell. He thought that it would be very foolish for the House to throw away the substance in trying to grasp the shadow. The Bill, as originally introduced, proposed to legalize existing agreements for seven years, but the Council made the term fifteen years. After the measure reached the Assembly, “seven” was substituted for “fifteen”; and the Council had shown a conciliatory spirit by agreeing to fix the period at eleven years. He was astonished that any honorable member representing a mining constituency should not be anxious for the Assembly to waive the points in dispute between the two Houses rather than that there should be any risk of the Bill not becoming law. The precise period for which existing agreements were legalized was a matter of very little moment compared with the importance of getting the measure placed on the statute-book. Eleven years had been lost since he introduced the Mining Property Bill in 1873, and that measure was passed by the Assembly four times. A far more important amendment than the substitution of eleven years for seven was the disagreement with the Assembly’s amendment inserting the words “on the net profits” after “percentage” in clause 16. He would like, if possible, to see that amendment restored, because no doubt it would be better for miners to pay a landowner a percentage on the net profits of their mining operations instead of on the gross yield of gold. Nevertheless, as the miners could be trusted to manage their own affairs, he did not regard the retention of the words “on the net profits” as a vital principle, considering the other provisions contained in the Bill.

Dr. QUICK said he agreed with his honorable colleague (Mr. Mackay) that the retention of the words “on the net profits” was the most important of the three points at issue between the two Houses. He had received a letter from the Sandhurst Mining Association in which they requested the members for the city and district to support the principle of allowing agreements to be made for compensating the landowner by a percentage on the net profits and not on the gross yield of gold. If he saw any possibility of the Assembly carrying its amendment in that matter he would urge that it should be
insisted on, but he was prepared to waive the amendment rather than lose the Bill.

Lt.-Col. SMITH stated that he was utterly opposed to the principle of legalizing existing agreements; but he did not think that the question of whether they should be legalized for seven years or for eleven years was a matter of much moment. He was informed that of the 56,000,000 acres constituting the whole colony there were not more than 1,000 acres in respect of which any mining agreements had been entered into that had a longer period to run than six or seven years, and, therefore, it was not worth while fighting for the Assembly's amendment that no existing agreements should be legalized for a longer period than seven years. The Government, however, would be neglecting their duty if they did not insist upon the amendment to enable the miner to compensate the landowner by a percentage on the net profits. It would be manifestly unfair for the percentage to be on the gross yield of gold. (Mr. Berry —'The miners have the alternative of applying to the warden to assess the compensation to be paid.") He was aware of that alternative, but, when a new gold discovery was made, men were so anxious to get hold of the adjoining ground that, if it was private property, they would make agreements with the owners which they ought not to do. He hoped that the Government would ask the Assembly to insist on its amendment that the percentage should be on the net profits. If they would not, he would be inclined to move that the amendment be insisted on, but he would prefer the Government to do so.

Mr. KERFERD said he would ask the honorable member not to press the House to insist on this amendment. The point had occupied the earnest attention of the Government, who were as anxious as the honorable member could be to attain the object he desired; but they were placed in this position that, if they asked the Assembly to insist on the amendment, the Bill would be lost. The Government had determined that it would be advisable to get the measure on the statute-book, even if they had to introduce a Bill to amend it next year.

Mr. FINCHAM observed that, however reluctant he might be to waive the amendments disagreed with by the Council, he thought that, in the interests of the mining community, it would probably be the best policy to acquiesce as far as possible in the course proposed by the Government. The amendment providing that the percentage should be on the net profits and not on the gross yield of gold was considered so desirable by the Assembly that they adopted it almost unanimously, and he very much regretted that the Council had not agreed to it. As the Government did not propose to ask the Assembly to insist on the amendment, he would move, if he was in order in doing so, the addition of the following words to clause 16:—"In no case shall the percentage exceed 5 per cent."

Mr. KERFERD submitted that the proposal was not in order.

Mr. SERVICE also expressed the opinion that it was not in order.

The SPEAKER.—The amendment, in my opinion, is in order. The other House having disagreed with the Assembly's amendment, it is competent, I think, for this House to amend its amendment in order to meet the Council's views.

Mr. FINK expressed the hope that the Government would accept the amendment of the honorable member for Ballarat West (Mr. Fincham). It was necessary, in the interest of the miners, that there should be some limit to the percentage paid to the landowners. At the present time as much as 7½ and 10 per cent. on the gross yield of gold was being paid for permission to mine on private property. There were not 5 per cent. of the mines in operation in the colony—he spoke of alluvial mines—which could afford to pay such a tax. If the percentage was not restricted, he believed the effect would tend to stop the future development of mining on private property altogether. He certainly thought the percentage should be restricted to 5 per cent. on the gross yield, which would be a very fair thing. Mining speculators, when arranging for a percentage, which would not come out of their pockets, were careless as to the amount so long as they could float the company, and he thought it was the duty of the Assembly, as guardians of the public, to protect them in this matter. He would, therefore, strongly support the amendment.

Mr. BAKER stated that if he had his way he would not allow the landed proprietors to lay claim to any of the gold, but the present position was that if the Bill was allowed to again leave the Assembly, there was every probability of it being lost altogether. He did not want to see the Bill pitched out, as it certainly would be if the landed proprietors were given the chance. It was only owing to the great respect that they had for the Government that the Upper
The honorable member for Ballarat West (Mr. Cooper) was in order or not, although he doubted whether it was in the power of the Assembly, at this stage, to add words to its original proposition. It was quite competent for the Assembly to insist on its amendment, but whether it was competent for the Chamber to add words to the clause originally passed by it was a question on which he would not like to pronounce immediately. In any case he thought it would be very unwise to jeopardize the passage of the Bill by raising a new issue at the present stage which might lead to complications, delay, irritation, and possibly to the loss of the measure. The Bill dealt with matters of such large importance, and with such complicated interests, that it was almost impossible to conceive that it would not require amendment in a very short time. For instance, when the question of rent came to operate on the companies interested, he was certain that the provision in the Bill would be found to be an oppressive charge, and he had no doubt that the Government would find it necessary to introduce an amending Bill to deal with that question. In other matters, difficulties and defects were bound to be discovered as the Bill came into operation, and he was quite clear that within the course of a year or so an amending measure would be found necessary. Then the question of percentage and other questions could be fully fought out without endangering the passing of the present Bill. He would ask the honorable member for Ballarat West to withdraw his amendment, as in his (Mr. Cooper's) opinion the great object at present was to get the Bill on the statute-book, and then, as experience of its working was gained, the House could proceed to amend it.

Mr. McCOLL considered that it would be a suicidal act to send the Bill again to the other Chamber. He represented the largest mining constituency in the colony, and he could say from correspondence that his constituents were prepared to agree even to all existing contracts being carried out intact rather than that this Bill should be lost. He trusted that the House would unanimously agree to the course proposed by the Attorney-General, so that the Bill might become law.

Mr. BOWMAN remarked that the question was whether they were to have a Mining on Private Property Act or not. He did not believe that any mining member agreed with the present Bill, but it was the best they could get, and if they could not get it on the statute-book, the whole thing would have to be gone over again de novo. He had heard hints that if any alterations were made at the present stage, the other House would drop the Bill altogether. He believed the majority of the Assembly desired that only a small percentage should be paid, and none by mines that were not paying working expenses; but, as the honorable member for Creswick (Mr. Cooper) had pointed out, when the measure was on the statute-book there would be opportunities of amending it.

Mr. GRAVES said that, a short time ago, there was little hope of a Mining on Private Property Bill being passed, and now they had a measure which, he believed, would be found a fairly workable one. The great danger of collusion under the 51st clause, which allowed arrangements to be made with working miners, had been removed by providing that the agreements should be subject to the sanction of the warden. It was also an important point that the measure was to come into operation immediately on receiving the Governor's assent, as, if its operation was postponed, other agreements might be made in the meantime.

Mr. W. MADDEN remarked that there was one aspect of the matter which had not received sufficient consideration. If this Bill became law, what on earth would honorable members put in their next election addresses? As long as he could remember, every election address had contained the statement—"I am in favour of a Bill to legalize mining on private property," and he was afraid the Government were incurring a grave responsibility in removing this last remaining stalking-horse.

Mr. FINCHAM intimated that, in deference to the wishes of so many honorable members, he would withdraw his amendment. He thought, however, it was paying a poor compliment to the other House to say that
they would shelve the Bill because of a common-sense proposition such as that which he had submitted.

The amendment was withdrawn, and Mr. Kerferd's proposition was agreed to.

A message communicating the decision of the House was ordered to be transmitted to the Legislative Council.

WATERWORKS ACT 1880 AMENDMENT BILL.

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

The SPEAKER said—In connexion with this Bill a petition has been received from the Shire Council of Bungaree, pointing out that a clause of the Bill will deprive them of a portion of their income by relieving the Ballarat Water Commission from the necessity of paying rates on their property. In fact, the Bill proposes to take property from one body and vest it in another, and it is therefore essentially a private Bill.

Mr. KERFERD stated that there were certain provisions in the Bill, such as clause 11, which made it one of general application. Clause 11 enabled the Governor in Council, on the application of any local governing body, to reduce the rate of interest on its loan for seven years from 6 per cent. to 4½ per cent. per annum. The policy of the country for a number of years had been to grant loans to local governing bodies for the construction of waterworks. Interest was to be paid at the rate of 6 per cent. per annum, of which 1½ per cent. was to go to form a sinking fund. In a great many cases the incomes of these local bodies were not sufficient—owing, in some cases, to the fact of the works not being completed—to pay the whole of the 6 per cent., and what the Government proposed to do in the Bill by law was what had been already done irregularly in a number of cases. The Government felt that, where they had advanced a sum of money to a local body to construct waterworks, until the works were actually constructed, and the necessary reticulation made, it was impossible to ask the local body to pay the interest. It was now proposed by clause 11 of this Bill that, where local bodies were in such a position, the Governor in Council should have power to reduce the interest for a time to 4½ per cent., and, for that purpose, power was given to suspend the original agreement. This provision did not relate to any particular shire, and he submitted that, to all intents and purposes, the Bill was a public Bill.

The SPEAKER,—The Attorney-General might be right if the Bill contained only the clause to which he has referred, but it also contains a clause proposing to take £250 per annum from one shire and to hand it to another body.

Mr. GILLIES observed that the Speaker was accepting the allegation in the petition as true, whereas the case was not as stated in the petition.

Mr. KERFERD remarked that the Treasurer was now arranging the matter between the Ballarat Water Commission and the Bungaree Shire Council. He (Mr. Kerferd) had no idea that the Bill would be called on that day, although the Clerk was not to blame, as he did not inform the Clerk that he desired the order of the day to be postponed.

Mr. SERVICE observed that while the Government were anxious to relieve the Ballarat Water Commission of a burden which had no right to be imposed upon it, they were just as anxious to get the Bungaree shire out of its difficulties, and the Government purposely held back this Bill in order that an arrangement might be made which would be satisfactory to both parties. A short time ago it was supposed that an arrangement had been arrived at, but unfortunately one element turned out unfavourably to the proposal then suggested. Another proposal, however, had been made, and, having just had an interview with the chairman of the Ballarat Water Commission and the president of the Bungaree shire, he believed that by the following week the matter would be in a position to be submitted to the House in such a way that it would receive the unanimous consent of all parties interested. He had no idea that the Bill would come on that day, and, in order to get rid of the difficulty, he would suggest that the debate should be adjourned for a week.

Mr. BENT expressed the hope that the Bill would be withdrawn altogether. It was evident, from the statement of the Premier, that this Bill was simply a screw put on to try and bring these local bodies into subjection. If Bills of this kind were permitted to be passed, the Constitution would be gone altogether. It was a vicious and dishonest Bill, and against all decent public policy. It proposed to deprive the Bungaree shire of £250 per annum of rates, and that shire had already borrowed on the strength of those rates. The Speaker had properly ruled that the Bill was a private Bill, and therefore it should be at once withdrawn. The admission of the Premier
himself was sufficient to justify every opposition to the Bill. (Mr. Service—"What admission?") That the honorable gentleman would have the matter all "squared up" in the course of a week or so.

Mr. WRIXON considered that, apart from the interests of any particular shire, the question had an important aspect. Here was a Bill brought before the House professedly as a public Bill, and he thought the House should be exceedingly careful that Bills submitted as public Bills did not deal with private matters. If such a practice was allowed, serious abuses would creep in. The Speaker had ruled that this measure was a private Bill, and, that being so, he thought the Government should do something more than merely propose the adjournment of the debate. Whether a settlement was arrived at between these private parties or not had nothing to do with the question. The question was whether a Bill, proposed to be dealt with as a public Bill, was a private Bill or not.

The SPEAKER.—I think it would meet the difficulty if the order of the day were postponed, with a view to its being brought on again next week. I think, as I have given my ruling, that it would not be proper to propose the adjournment of the debate on the Bill.

Mr. SERVICE intimated that he would concur in the suggestion for the postponement of the order of the day.

Mr. KERFERD said he desired to point out that the Government were in the position of having lent three-quarters of a million of money to these local bodies, and the Bill proposed to regulate that debt. If the Bill was out of order, he did not see how they could proceed with the matter at all.

Lt.-Col. SMITH remarked that it was evident that the honorable member for Brighton did not understand the object of the Bill at all. The people of Ballarat had to pay a tax such as was borne by no other municipality in the colony. The Ballarat Water Commission had to pay a tax of £500 or £600 a year to a neighbouring municipality for the mere right to construct their waterworks. (Mr. Service—"No other water trust has been subjected to such a thing.") Neither in connexion with the Yan Yean nor any other waterworks in the colony was such a thing heard of.

Mr. REES observed that he thought it his duty to inform the Government that the Bill interfered with a great number of his constituents, and he had been urged to do all he could to prevent it from passing.

(Mr. Deakin—"There is going to be an agreement.") Of course if an agreement was entered into between the parties, the matter would be in a different position.

Mr. McCOLL stated that the question of water supply would have to be taken up by the House from a national point of view, and he would not go in for any "tiddlywinking" work in connexion with small schemes here or small schemes there. Nearly half a million of money had been spent on various projects, and yet it had been admitted publicly, on behalf of the trusts which had had the distribution of the money, that three-quarters of the amount intrusted to them had been misspent and squandered.

The order of the day was then postponed until Wednesday, November 19.

TRADES UNIONS BILL.

The House went into committee for the consideration of this Bill.

On clause 2 (interpretation clause), Mr. DEAKIN moved the substitution, for the word "masters," wherever it occurred in the clause, of the word "employers."

The amendment was agreed to.

On clause 8, setting forth the conditions under which buildings for trades unions might be purchased or leased, Mr. DEAKIN moved the addition to the clause of the following proviso:—

"Provided always that no portion of any funds so expended on the purchase of any lands or buildings, or on the erection of any buildings, shall consist of subscriptions by members of any trade union to the sick or benefit fund of such trade union."

The amendment was agreed to.

On clause 13, providing that, in the case of any member of a trade union withholding or improperly misapplying the property of the union, any two justices might order restitution, and also fine the offender a sum not exceeding 20s., with costs not exceeding 20s., Mr. BENT asked why the limit was fixed at 20s.? It might cost ten times as much to bring the offender to book.

Mr. DEAKIN said the clause was copied from the English Act. He would make a note of the honorable member's inquiry, and investigate the point he referred to.

On clause 14, providing that a minor above the age of sixteen might become a non-official member of a trade union, Mr. DEAKIN moved the substitution of the word "fifteen" for "sixteen," so as to extend the right of membership to minors above fifteen.

The amendment was agreed to.
On clause 23, requiring each trade union to prepare annual returns of assets and liabilities, &c.,

Mr. BENT asked what provision was made for an audit of the accounts?

Mr. ZOX observed that a trade union so far resembled a friendly society that, while its accounts were open to critical examination, no person was regularly appointed to audit them. If an official audit was rendered compulsory, the expense would be almost unbearable.

Mr. WRIXON remarked that, inasmuch as a trade union could deal only with subscriptions to a limited extent, its position was necessarily less onerous than that of a friendly society.

On the 1st schedule, setting forth the scale of fees payable with respect to trades unions,

Mr. BENT moved that the fee of 2s. 6d. "for inspection of documents" be reduced to 1s.

The amendment was agreed to.

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

DOG BILL.

Mr. LEVIEN moved the second reading of this Bill. He said the measure was the same as the Dog Bill of last session, and it also substantially resembled the existing law, except with respect to two or three rather important matters. One proposed alteration was an increase of the maximum fine for non-registration from 20s. to 40s. Another would render it compulsory upon the council of every municipality that it should enforce the provisions of the Act, being open to any person aggrieved by it not doing so to sue for a penalty amounting to £20 and costs for each week of default. Perhaps the most important change of all was that proposed in clause 19, which provided that the owner or occupier of enclosed land could destroy any trespassing dog not under control he might find there, without being liable to pay any compensation to the owner of the animal. Under the existing law cases had occurred in which persons destroying trespassing dogs had been made to pay damages amounting to £100 or £150. Clause 21 provided that no person should be permitted to train dogs in any public place. This was necessary, because accidents had often occurred to children from dogs being trained in public without being muzzled. The schedule setting forth the fees to be chargeable for dogs also contained some material innovations.

At present the fee was 5s. per dog all round, but under the Bill the scale would vary from 5s. to 20s., the maximum fee being applicable to sporting dogs, and especially to those of the greyhound, kangaroo, or lurcher breeds, which were supposed to be most injurious to sheep. He was aware that the fee to be chargeable in the case of greyhounds and kangaroo dogs was objected to in several high quarters, but that would be a matter for consideration when the Bill was in committee. The Government felt that, so long as they made thorough provision in the body of the Bill for the proper regulation of dogs, it would be quite open to them to allow of such a modification of the scale of fees as experience and the circumstances of the colony might suggest.

Mr. W. MADEN thought, in view of the measures to be taken for the destruction of rabbits, that a considerable hardship would be inflicted if the proprietors of the dogs most useful against that class of vermin were compelled to pay a heavy annual licence-fee for the privilege of keeping them. Perhaps it would be a good plan to except the rabbit-infested districts of the colony from the operation of the Bill.

Mr. STAUPTON said the real fault of the existing Dog Act was not only that it was powerless to enforce the registration of dogs, but that it did not provide that every registered dog should wear a collar which would identify its owner. With sufficient provision in both directions, the chief wants of the colony in the matter would be fully met. The mischief at present was that, although a dog might be registered, its owner was not compelled to make it wear a collar, and therefore there was no regular means of discovering who he was. For example, it frequently happened that, when a particular dog had done an injury, its presumed owner would refuse to admit ownership, and then, because ownership could not be proved against him, he was usually able to get off scot-free. But with compulsory registration and compulsory collar-wearing going together, every difficulty in connexion with dogs would vanish. The scale of fees chargeable under the Bill was far too high. In the case, for instance, of splitters and prospecting miners—men who lived with their wives and families in tents, each of which it was requisite a dog should guard while the inmates were away—(Mr. Anderson—"Is not 5s. per dog low enough?") He thought that if every registered dog was compelled to wear a collar, the fee for watchdogs for persons of the poorer class ought
to be only 1s. per dog. No power on earth could enforce a Dog Act charging high fees for ordinary house and watch dogs. Certainly the shire councils would be unable to do so. At the present time, for a candidate for a seat in a shire council to say he was in favour of carrying out the provisions of the Dog Act was, generally speaking, tantamount to courting certain defeat. In fact, the only way to obtain a workable law with relation to dogs was to frame it conformably with the views, wishes, and circumstances of the general body of the people. It would also be necessary to give shire councils some power in the matter over the police, for it sometimes happened that on the very day a particular constable was wanted to prove a case about a dog, his sergeant would interfere to prevent his appearance in court. Nevertheless, the Bill as a whole was good, and he (Mr. Staughton) would support it, although at the same time he quite sympathized with the remarks just made by the honorable member for the Winnum (Mr. Madden).

Dr. QUICK stated that he would support the Bill with pleasure, for it contained many valuable provisions. But at the same time objection might be take to the somewhat stringent character of the fees proposed to be charged upon a particular class of dogs. For example, he was informed by the Sandhurst and Baringhup Sporting Club that charging £1 per greyhound would strike a ruinous blow at an important and agreeable sport. He would also point out that making a fee of 10s. payable upon “every other dog” would inflict a hardship on every lady keeping a poodle. In fact, if it was made compulsory that every dog should be registered and wear a collar, and that the municipalities should carry out the law, a very low scale of licence-fees would amply meet every public requirement.

Mr. CAMERON remarked that he regarded the clause permitting the destruction without compensation of any dog found trespassing on enclosed ground, and that compelling the municipal councils to enforce the terms of the Bill, as embodying by far the most important provisions of the measure; but he felt bound to add that in his district the councils did enforce the law relating to dogs, although he was informed that the same thing could not be said with respect to many parts of the country. The fees set out in the 1st schedule were, however, too high, especially those to be chargeable for house and watch dogs, for which it would be quite sufficient to pay a mere shilling fee for registration. Every dog ought to be registered, and every registered dog ought to be made to wear a collar. The point to be gained was not that any revenue should be derivable from dogs, but that no dog in the country should be able to do mischief without somebody being easily rendered answerable for it. At the same time, dogs kept for pleasure or for mere ornament ought to be regarded as luxuries and be paid for accordingly.

Mr. YEO observed that the provision in clause 19 that a trespassing dog not under control might be shot appeared excellent, but he was afraid that the proviso excepting dogs “engaged in actual pursuit of game” would lead to an extensive evasion of the law. At the proper stage, he would suggest that the proviso should be struck out.

Lt.-Col. SMITH said he had been requested by the Ballarat Coursing Club to lay before the House the following suggestions:—

“That all kennels, the property of trainers or members of coursing clubs, be licensed by the local body in which such kennel is situated, at a fee of, say, £1 per annum, and that all dogs kept in such kennels pay a fee of 5s. per annum. The Bill, as it now stands, will cause all but the wealthy to destroy their dogs, and, as this club is composed principally of men of moderate means, it will have to wind up, although it has spent about £1,200 upon its premises.”

Mr. ANDERSON stated that there could be no question that a new and workable Dog Act was badly wanted. At present incalculable damage was often done by dogs to sheep without the person injured being able to obtain the smallest redress. Supposing that a dog rushed into a flock of ewes and lambs without touching one, he might nevertheless do infinite harm by separating the lambs from their dams, in which case the lambs were almost sure to die. The rule to establish was that every dog should be registered, and wear a collar, by means of which the owner could be identified, and then he would be bound to be careful. The amount of the licence-fees payable for different dogs was quite a secondary consideration, but still the subject deserved careful attention; for, while it might be quite fair to charge the owner of a greyhound or a setter a good sum, only the lowest possible rate ought to be charged for a house dog, a watch dog, or a shepherd’s dog. As far as he could judge, the Bill was a good one, and he would give it his hearty support, with the understanding that persons who allowed their dogs to go at large without collars should be subjected to severe
penalties, and that such dogs should at once be destroyed.

Mr. LANGDON observed that the suggestions of the honorable member for the Wimmera (Mr. Madden), with regard to rabbit-infested districts, deserved the consideration of the Minister of Agriculture. He was not exactly aware how such cases ought to be dealt with, but he thought a special clause would have to be framed to meet them. As to watch-dogs, he considered that, in the case of a watch-dog kept on the chain, no fee should be exacted.

The motion was agreed to.

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

On clause 1, giving the short title of the measure, and providing that it should come into operation on the 1st January, 1885,

Mr. BENT moved that the Chairman report progress. He wanted to know whether honorable members thought there was any use in going on with business, in view of what had just taken place in the other Chamber? When the Land Bill was before the Assembly, honorable members carried a resolution in favour of married women being permitted to select, and provision was made accordingly in the measure. But what had just happened in another place? Why, not that a private member got up to have the provision struck out, but actually the representative of the Government. The representative of the Government in another place actually got up and said in effect—"We were beaten in the other House, and we ask you to restore the clause in which we introduced it." The representative of the Government actually made an _ad misericordiam_ appeal.

Mr. STAUTHON rose to order. Honorable members were not supposed to know anything of what took place in the other Chamber.

The CHAIRMAN.—It is out of order to make reference to what transpires in another place except on some report.

Mr. BENT stated that he was simply asking honorable members whether, in view of what had just happened elsewhere, there was any use in going on with business.

Mr. SERVICE said he must interpose to say that the honorable member for Brighton had committed a great mistake in coming to the Assembly and making a statement which was not correct. The motion referred to by the honorable member was not moved in the Upper House by a member of the Government.

Mr. BENT objected to be interrupted. He received his information from a gentleman who could get up and say whether his statement was incorrect. He did not say the representative of the Government "moved." What he said was that the representative of the Government made an _ad misericordiam_ appeal. Under these circumstances, what use was there in the Assembly doing anything at all? He was informed that there were members who would get up and support his statement that a member representing the Government did make an _ad misericordiam_ appeal to members of another place to strike it out. (Mr. Gillies—"You said he moved to strike it out.") Never. He was not going to be put down by a statement of that kind.

Mr. McLELLAN rose to order. To take notice of what occurred in another place before honorable members were in possession of any record to guide them was a thing which ought not to be tolerated. It was highly disorderly. He was not aware of a similar proceeding during the 25 years he had been in Parliament. The time to enter upon a discussion about what might have happened elsewhere was when a message was received from the Legislative Council stating that certain things had been done in that House.

The CHAIRMAN.—I have already ruled that it is incompetent for honorable members to review proceedings in another place about which they have no report.

The motion to report progress was put and negatived.

On clause 6, providing that the registration of dogs within municipalities should be made at the municipal offices, and of dogs outside municipalities at the nearest court of petty sessions,

Mr. W. MADDEN suggested the addition to the clause of words providing that the municipality in which the dog was registered should supply the collar. He believed such an arrangement would work well. There need be no difficulty on the part of a municipal council about keeping a number of collars in stock, and the collar could be recognised as a receipt for the fee. The suggestion came from a shire council.

Mr. LANGDON expressed approval of the suggestion, and stated that the collars could be numbered consecutively, the numbers corresponding to those of the entries in the register.

Mr. KERFERD remarked that it was important that the fees should produce
sufficient to cover the expense of administering the measure; but that might not be the case if the municipalities had to pay for the collars, which he supposed would cost 2s. or 3s. each. (Mr. W. Madden—"Wholesale 1s.") He was in an ironmonger's shop the other day, and saw a gentleman pay 3s. 6d. for one. He was afraid that municipal authorities, if they had to pay for collars, would be slow in collaring dogs.

The clause was agreed to.

On clause 7, providing that every person registering a dog should deliver a description of the animal to the registration officer, and that every registration should be deemed to be in force from the time it was made "until the last day of the month of February then next ensuing and no longer,”

Mr. BENT asked why the date for the termination of the dog registration year had been altered?

Mr. KERFERD stated that he found, on reference to the existing law, that the date was the 31st December. Why the alteration had been made he did not know, but he would ascertain. He presumed there was some reason for the proceeding.

Mr. STAUGHTON moved the addition to the clause of the following words:—

"Provided however that the registration of a dog kept solely as a watch-dog, and being the only one so kept, shall be deemed to be in force from the day on which the same has been made until the owner of such dog ceases to keep the same as a watch-dog."

Mr. ANDERSON said he did not think the amendment would be workable. It was a difficult matter to say when a watch-dog ceased to be a watch-dog.

Mr. LAURENS apprehended that it might be very difficult to recover the proper fee which ought to be paid in respect of a dog when it ceased to be a watch-dog.

Mr. STAUGHTON explained that his object was that a dog kept solely as a watch-dog—whether a kangaroo dog or a poodle—should, so long as it was kept as a watch-dog, be liable to no larger fee than 1s. As soon as it ceased to be a watch-dog, the fee would be according to the class to which it belonged.

Mr. BAKER said he would like to know what was meant by a watch-dog? Was it an animal to watch rogues and vagabonds, or to watch rabbits and wild dogs? In the Wimmera district it was necessary for every selector to have one dog to watch the rabbits; and he considered that upon the dog which had that duty to perform the lowest possible fee should be imposed.

Mr. MURRAY remarked that if there was a difficulty in determining when a dog ceased to be a watch-dog, it must be much more difficult to say when a dog began to be a watch-dog. Perhaps the better course would be to accept the Byronic definition, and describe the watch-dog as the dog whose "honest bark" would "bay deep-mouthed welcome as we draw near home."

Mr. BENT stated that he was in favour of every person being permitted to have one dog, provided it was continuously kept on the chain, at a nominal fee.

Mr. KERFERD suggested that the amendment should be withdrawn, and that the question involved in it should be dealt with when the 1st schedule was under consideration.

The amendment was withdrawn.

On clause 8, making any person who knowingly gave a false description of a dog liable to a penalty not less than 10s. nor more than 40s.,

Mr. A. YOUNG suggested that the maximum penalty should not be more than 20s.

Mr. LEVIEEN explained that, unless a wrong description was given "knowingly," no penalty would attach.

On clause 15, empowering every municipal council to appoint a proper officer to enforce the provisions of the measure,

Mr. OFFICER called attention to the fact that the clause would allow any such officer to "enter upon any premises on which any dog is kept," and "seize and take away such dog if unregistered, for the purpose of dealing with it under the provisions of this Act." A similar provision was contained in the existing law, and it had been greatly abused by persons arbitrarily entering upon premises to see whether dogs were there or not. He apprehended that with the re-enactment of the provision the abuses would continue.

Mr. KERFERD said he considered there was a great deal in the point raised by the honorable member for Dundas, but the difficulty was to guard sufficiently against the evasion of the measure.

Mr. PEARSON expressed the hope that the provision referred to would be struck out. It was one which might be abused in a thousand ways.

Mr. KERFERD said he would consider the matter.

At this stage, the time for taking business other than Government business having arrived, progress was reported.
SCOTS' CHURCH BILL.

On the order of the day for the resumption of the debate on Mr. C. Young's motion for the second reading of this Bill (adjourned from October 15),

Mr. BENT moved that the order of the day be discharged from the paper. He said that he had just received a letter from the honorable member for Kyneton, who was in charge of the Bill, requesting him to move that the order be discharged.

The motion was agreed to, and the Bill was withdrawn.

MELBOURNE TRAMWAY COMPANY'S ADDITIONAL BRANCHES BILL.

Mr. ZOX moved—

"That the report of the select committee of the Legislative Assembly on the Bill to authorize the Melbourne Tramway and Omnibus Company Limited to construct tramway branches in the cities of Melbourne and Collingwood, and in the borough of St. Kilda, and for other purposes, be now taken into consideration."

Mr. BURROWES seconded the motion, which was agreed to.

The House proceeded to consider the report.

Mr. ZOX moved that the House disagree with new clause E, providing that "all costs, charges, and expenses, not exceeding during any one year 2½ per cent. per annum of the amount expended by the said trust in the making of tramways in that year, from time to time incurred by the trust," should be paid and contributed by the councils represented on the trust, in certain proportions.

The clause was struck out.

The other amendments made by the select committee were agreed to.

Mr. PEARSON proposed that the 1st schedule be amended by omitting the clause providing for the construction of a tramway to Parkside-street along Rathdowne-street (the North Carlton branch) and substituting for it a line along Lygon-street through East Brunswick.

Mr. ZOX said he would not oppose the amendment if the House chose to adopt it. He, however, thought that the standing orders relating to private Bills would have to be suspended to enable the House to consider the amendment.

Mr. COOPER submitted that the House could not entertain the proposition. The object of it was to adopt a new tramway, and the property-owners along the route of the proposed line had had no opportunity of expressing their views on the subject. It would, therefore, be very improper to suspend the standing orders.

Mr. McLELLAN stated that a tramway along Lygon-street would serve a much larger number of persons than one along Rathdowne-street, and it would suit the Tramway Company equally as well. He, therefore, hoped that the House would adopt the proposal of the honorable member for East Bourke Boroughs. A similar amendment was made when the original Bill was considered, and no objection was raised that it was in contravention of the standing orders.

Mr. GILLIES remarked that the proposal was to construct a new line, and the standing orders absolutely prevented any tramway being inserted in the Bill without notice being given to the owners of property along the route which the line would traverse.

The SPEAKER.—The amendment is certainly not in order. If I allowed the honorable member for Ararat to propose a similar amendment on the select committee's report on a former Bill, I must have yielded to the honorable member's desire in a moment of weakness.

Mr. PEARSON rose to move another amendment. He said that it was not the substitution of one line for another, but simply an addition to a line, and an addition actually promised by the Tramway Company.

The SPEAKER.—The amendment is not in order.

ROSSTOWN JUNCTION EXTENSION RAILWAY BILL.

FOURTH NIGHT'S DEBATE.

The debate on Mr. Bent's motion for the second reading of this Bill (adjourned from October 29) was resumed.

Mr. KERFERD.—Mr. Speaker, on the last occasion that the Bill was under consideration I stated that a report had reached me that the promoter was to receive a sum of money in the event of the measure being passed. The honorable member in charge of the Bill, after consulting the promoter, said he was authorized to state that there was no foundation for the report; and I moved the adjournment of the debate for the purpose of enabling me to ascertain exactly how the case stood. I have fulfilled the promise that I made. I have investigated the matter, and I will now state the result. Mr. Ross waited upon me, and gave positive and direct answers to the questions which I put to him, and it appears that the position is briefly this:—The promoter of the Bill owned a considerable area of land in the district which the Rosstown Junction Railway was
to traverse, and after the Act authorizing that railway was passed he disposed of the greater portion of the land to a syndicate, one of the conditions of the transaction being that when the line was made and open for public use he was to receive a further sum in consideration of the enhanced value which would accrue to the land by the completion of the railway. The additional amount he was to receive represented a sum of £10,000, in 400 shares. Therefore, the statement I made that, if this Bill passes, Mr. Ross is to receive a certain sum of money is perfectly true, because the Rosstown Junction Railway has not been completed within the period fixed by the Act.

Mr. BENT.—That has nothing to do with the line proposed by the present Bill.

Mr. KERFERD.—If the honorable member will listen to me patiently, he will see that I am not misleading the House in the least. I asked Mr. Ross whether the provisions of the Public Works Statute, by which no railway can be opened until the Board of Land and Works certifies that it is fit for traffic, applied to the Rosstown line, and he replied that he believed that it did not; but he did not appear quite certain on the point. I find, however, that those provisions, which are very stringent, do apply to that line, and they have not been complied with. The Rosstown line had not been completed within the specified time, and the Board of Land and Works have not issued the certificate required by the Public Works Statute before the line can be opened for public use. The present Bill proposes to amend the original Act as far as the Rosstown Railway is concerned, and it also asks for power to construct a new line, not authorized by that Act, from Elsternwick towards St. Kilda. If the Bill becomes law the promoter will be enabled not only to construct the new line, but to open the line authorized by the first Act, and he will then be entitled to the sum of £10,000. Therefore, the statement which I made is perfectly true.

Mr. BENT.—Mr. Ross can open the present line without this Bill.

Mr. KERFERD.—He cannot. The 42nd section of the Rosstown Junction Railway Act says that—

"Nothing herein contained shall be deemed to exempt the railway by this Act authorized to be made from the provisions of any general Act relating to railways in Victoria."

It is, therefore, quite clear that the provisions of the Public Works Statute, which render it necessary that before a railway can be opened a certificate must be obtained from the Board of Land and Works that the line is properly constructed and fit for passenger traffic, apply to the Rosstown line. Not having completed the line in accordance with the terms of the Act, Mr. Ross now comes to Parliament to get powers to enable him to complete the line. I think the House would go with the promoter in allowing him an extension of time in order to complete the line already authorized, as no one would desire to see an undertaking of that kind end in ruin. If he will be content with that, the Government will give him every assistance in obtaining an extension of the time to complete the line. I do not see anything wrong in Mr. Ross receiving £10,000 from a syndicate in consideration of the enhanced value that certain land which he has sold will derive from the opening of the line, but as yet he has not complied with the conditions necessary to entitle him to a certificate from the Board of Land and Works that the line is in a fit state to be opened, and the time allowed for doing so by the original Act has expired.

Mr. BENT.—Are you aware that Mr. Ross was prevented from finishing the railway by the action of the Railway department in connexion with the Mordialloc line?

Mr. KERFERD.—Mr. Ross absolutely sold to the Government, by private contract, for the Frankston Railway, land which he ought to have used for his own railway.

Mr. BENT.—About 9 feet, and he could not help himself.

Mr. KERFERD.—If it was only 9 inches, the consequence was that the Rosstown line intersected the Frankston line at right angles. As far as the Government are concerned—and I think that I may speak for the House also—they will be quite willing to grant an extension of the time necessary to complete the Rosstown Railway; and as to the difficulties arising out of the intersection of the Frankston line, the honorable member for Brighton knows that they can be fairly adjusted between Mr. Ross and the Railway department. As a matter of public policy, the Legislature ought not to go further than to enable the promoter to complete the line already authorized. Any reasonable extension of time which he may require for that purpose may be conceded; but the proposal to authorize him to construct a new line of railway is a totally different question. Before giving him power to make a new line, the House ought at all events to require him to show his bona fides by constructing the line already authorized.
Personally, I would like Mr. Ross not only to have the opportunity of completing the Rosstown Railway, but also to get the additional £10,000 which he is to receive from the syndicate when the line is opened for traffic. I would certainly be very sorry to see him involved in any loss; but I put it to the common sense of the House whether he ought not to complete the line already authorized before expecting Parliament to grant him powers to make another line. When he has shown his bona fides by making the line already authorized, the question of giving him power to make another line can be dealt with on its merits.

Mr. BENT.—The Attorney-General has not put the case fairly. In fact, the honorable gentleman has done anything but that, and I would like the debate to be adjourned, so that I may have the opportunity of communicating with Mr. Ross. Personally, I am not interested in the line already authorized.

Mr. KERFERD.—I have no objection to the adjournment of the debate.

On the motion of Mr. MACkAY, the debate was adjourned until Wednesday, November 19.

BALLARAT FREE LIBRARY GRANT BILL.

The order of the day for the second reading of this Bill was discharged from the paper.

COUNTY COURT JUDGES TENURE BILL.

On the order of the day for the second reading of this Bill, Mr. WRIXON asked the Attorney-General what course the Government intended to take with regard to the Bill? He believed that a portion of the Bill met with the approval of the Government, and he was anxious that that portion, at all events, should become law. He would, therefore, be glad if the Government would take charge of the measure, and invite the House to pass those provisions of it of which they themselves approved.

Mr. KERFERD said the Government would be very sorry to take the Bill out of the hands of the honorable member for Portland. He hoped that the Government would be able to give the honorable member an opportunity some evening next week, or the week after, of going on with those provisions of it which he desired to have passed. He understood the honorable member to say that he was prepared to omit certain portions of it which were likely to be objected to by the House.

The order of the day was postponed until Wednesday, November 19.

JUSTICES OF THE PEACE APPOINTMENT BILL.

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

Mr. WRIXON said he would be glad if the Government could see their way to combine this Bill with the one which had been introduced by the Solicitor-General.

Mr. DEAKIN stated that the Government measure not only contemplated carrying out the object aimed at by the honorable member's Bill, but went further in the same direction.

Mr. WRIXON intimated that, under the circumstances, he would be glad to postpone his Bill.

The order of the day was postponed until Wednesday, November 19.

EMPLOYERS' LIABILITY BILL.

Mr. WRIXON moved the second reading of this Bill. He observed that the measure was passed by the Assembly last session with very little difference of opinion. In fact, honorable members were unanimous on the principle, and the only difference of opinion was upon matters of detail, which were adjusted subsequently in committee. The Bill was not rejected in another place, but fell through there, probably owing to the late period of the session at which it was sent up. As honorable members were familiar with the provisions of the measure, it was not necessary for him to explain them, but when the Bill went into committee he would call attention to the few points in which it differed from the English Act.

Mr. DEAKIN remarked that, when the Bill was previously before the House, the general feeling was entirely with the principle embodied in it, but on some points of detail there was considerable difference of opinion. In the first place the Bill proposed to abolish altogether the limitation contained in the English Act of confining the amount which an employee could recover to three years' wages, and when the measure was previously before the House there was some difference of opinion as to whether some limitation of the amount should not be made. Again, the 8th clause prevented a workman from entering into an agreement which would divest him of any claim against his employer in case of an accident, and this was not in the English
Act. On those two points—whether there should be any limitation of the amount of the employer's liability, and whether the workman should have the power of divesting himself of any claim against his employer—there was considerable difference of opinion, and although, as the honorable member for Portland had stated, an agreement was arrived at in committee, it was not a unanimous agreement. However, as both the Government and the House had already recognised the fact that the principle of the measure was a just and proper one, he thought the Bill might be allowed to go into committee without any opposition.

Mr. MACKAY expressed the hope that the House would unanimously agree to the second reading of the Bill. The want of such a measure was exemplified in the case of the unfortunate engine-driver, Brown, who, finding he could get no relief from the courts of justice, was compelled to throw himself on the mercy of the House. In Sydney a similar measure was passed two or three years ago, and he was happy to say that the Legislative Council there showed quite as much unanimity in agreeing to it as the Assembly. In England also an Act like this had been passed to remedy the bad decisions of successive Judges, by which the rule had been established that, because a man happened to be an employee of a certain person, he could not recover damages against him in the same way as the rest of the community. Such a rule was opposed to common sense, and in view of the fact that the measure had been passed in England, where they were loth to take anything like violent steps in the shape of liberal legislation, he thought there need be no hesitation in adopting the measure in this colony. He considered the 8th clause was a very valuable one. In England it had been found that workmen contracted themselves out of the benefits of the Act, and were thus debarred from bringing an action against their employers, and he thought the honorable member for Portland had acted very properly in introducing a clause to prevent such agreements.

Mr. COOPER said he desired to mention that his honorable colleague (Mr. Wheeler), who took a considerable interest in this Bill, was absent, as he had no idea that it would have been brought on that evening. He hoped his honorable colleague would be afforded an opportunity of addressing himself to the Bill when it was reported from committee.

The motion was agreed to.

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

On clause 1,

Mr. WRIXON stated that he wished to explain briefly the changes which had been made in the Bill from the English Act. They were four in number. In the first place, the English Act limited the amount of compensation which the workman could recover to three years' wages, and he had omitted that limitation because he considered that the workman was entitled to whatever compensation a court of justice thought he ought to have. In the second place, he had omitted the provision in the English Act providing that all proceedings should be taken in the County Court, because, if that were retained, it would be impossible for the workman to recover more than £250, which was the limit of the jurisdiction of the County Court. Thirdly, clause 8 prevented workmen contracting themselves out of the benefits of the measure. That clause was not in the English Act, but it was fully considered by the Assembly last session, and agreed to, he believed, unanimously. The fourth point was that the English Act was only passed for seven years, but he had omitted to limit the operation of this measure. If the measure was a good one, he did not see why it should not be allowed to take its course, and, on the other hand, if it proved to be unbeneficial, it could be repealed.

Clauses 1 and 2 having been agreed to,

Mr. ZOX observed that, in view of the importance of the measure, not only to employers but to employees, he would suggest to the honorable member for Portland that he should be content with the progress he had made, and not proceed further with the Bill that evening in so thin a House.

Mr. WALKER said he could not support the suggestion of the honorable member for East Melbourne (Mr. Zox). He would remind the honorable member that the Bill had been already fully discussed, and passed by the present Assembly. If the Bill was not proceeded with that evening, there would be very little chance of it being passed during the present session. The argument as to the thinness of the attendance was one which ought not to be used, because if honorable members were not present they ought to be.

Mr. TOOHY stated that he would support the suggestion of the honorable member for East Melbourne (Mr. Zox), that the further progress of the Bill should be postponed. The measure was a most
Employers' Liability Bill. An important one, and it was not in the same position as if it had been introduced by the Government. When a Bill was submitted by the Government in which the House had considerable confidence, it could be taken for granted that the measure had been well thought out; but the same guarantee was not afforded in the case of an important Bill introduced by a private member.

Mr. GRAVES remarked that he would remind the honorable member for Villiers and Heytesbury (Mr. Toohey) that the Solicitor-General had indicated that the Government had had the Bill under consideration, and approved of it. Moreover, the Bill was almost a copy of the English Act, and it was fully thrashed out last session.

Discussion took place on clause 4, which was as follows:

"A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases (that is to say):-

1. Under sub-section 1 of section 8, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer, or of some person in the service of the employer, and intrusted with the duty of seeing that the ways, works, machinery, or plant, were in proper condition.

2. Under sub-section 4 of section 3, unless the injuries resulted from some impropriety or defect in the rule, by-law, or instructions therein mentioned. Provided that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law by any department of the Government, or by any registrar or officer lawfully authorized under or by virtue of any Act of Parliament, it shall not be deemed, for the purposes of this Act, to be an improper or defective rule or by-law.

3. If in any case where the workman knew of the defect or negligence which caused his injury and failed within a reasonable time to give or cause to be given information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence."

Dr. ROSE remarked that, under the 1st sub-section of the clause, the employer would be liable for an injury caused by the negligence of a person employed by him, yet the person who was guilty of the negligence would not be liable in any way. He thought there should be some alteration made in the sub-section so that the person guilty of the negligence might be reached instead of the whole onus being thrown on the employer, who might have nothing to do with the matter whatever.

Mr. ZOX observed that he raised the same objection to this clause when it was previously under consideration. Was it fair that the sole responsibility should rest on the employer when any person in his employment had been guilty of negligence? (Mr. Walker—"That is the law now as regards injuries to any one else than an employed.") In such a case, at all events, the negligence would have to be proved. If a man sent his servant with a horse and cart and instructed him to drive up Bourke-street, if the man drove up Lonsdale-street instead, and caused an accident, the owner would not be liable. (Mr. Walker—"Yes, he would.") What was the opinion of the honorable member in charge of the Bill?

Mr. WRIXON stated that he did not agree with the view of the honorable member for East Melbourne (Mr. Zox).

Mr. ZOX remarked that an action was brought against him on account of his dog having bitten a man. The dog was left in his store on a Saturday, and he sent his boy there to feed it, but the boy, besides feeding it, took it out with him, and the result was that the dog bit a man. The Judge held, however, that he (Mr. Zox) was not liable because, although the boy was in his employment to do certain work, he went beyond his instructions. He hoped the honorable member for Portland would make a note of his objection to this clause.

Mr. WRIXON said he admitted that there was great weight in the remarks of the honorable member for North Melbourne (Dr. Rose) and the honorable member for East Melbourne (Mr. Zox). What they evidently wished was to reach a negligent employer, and to punish him for his negligence, and he (Mr. Wrixon) was sure that the committee would be happy to consider any clause with that object. That matter, however, did not affect the present clause, which simply affirmed the principle that the employer when any person in his employment had been guilty of negligence...
unadvisable to make any limitation such as he suggested. The Bill only made the employer liable in the case of negligence on the part of some person whom he had appointed to superintend, and it was reasonable to require that employers should be careful in the choice of persons they appointed to such positions.

Mr. BAKER remarked that the 3rd subsection referred to a workman knowing of a defect or negligence and not reporting it, but no penalty appeared to be provided for his neglect to do so.

Mr. WRIXON said the penalty was that the workman could not recover damages in such a case.

Mr. STAUTHON suggested that there should be some penalty on the workman’s superior for not reporting to his employer a defect pointed out to him by the workman.

On clause 5, providing as follows —

"An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice in writing that injury has been sustained is given within three months, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death;"

Mr. HUNT moved the substitution of "one" for "three" months (line 4). He thought that one month was quite sufficient time to allow for giving notice of an injury. He also intended to propose that an action must be commenced within three months instead of six.

Mr. WRIXON said he would accept the amendment.

Mr. GILLIES remarked that he could not see why even a month should be allowed for giving notice of an injury. In the Railway department, if an employee was injured, he had to give notice immediately. If a length of time was allowed to elapse, it would be utterly impossible to disprove the statements which a man might make as to the cause of his injury. He might be hurt in the street going home, or by getting drunk, and if time was allowed before giving notice it might be impossible to prove that he was not injured in the manufactory. The time allowed for giving notice should be made as short as it reasonably could be.

Dr. ROSE thought there was a great deal of force in the remarks of the Minister of Railways. A person who was injured should be compelled to give notice immediately so that the employer’s medical man would have no chance of ascertaining the real state of the case, and would have to rely on the statements of the individual himself, or of his medical adviser, which might be of a one-sided character.

Mr. ZOX said he coincided in the view that a person who was injured should be required to give notice as soon as possible, otherwise cases of malingering would occur. If a man met with an accident, why could he not call in a medical man, obtain his certificate, and forward it to his employer? (Mr. Fincham—"Suppose he is unconscious?") Then some one connected with him could do so. It was well known that a member of a friendly society, unless he sent in a certificate within fourteen days, could not come upon the funds of the lodge.

Mr. MACKAY asked what time was allowed by the English Act? (Mr. Wrixon—"Six weeks.") He thought they should be very cautious before reducing the period below that allowed in the English Act. It frequently occurred that the true nature of the injuries resulting from some accidents did not become apparent for some time.

Mr. HALL considered that a month was too long a period to allow for giving notice. In some friendly societies notice had to be given in 24 or 48 hours, when upon a sick visitor was sent.

Dr. ROSE remarked that the appearances in connection with some injuries, although very formidable at first, rapidly passed away, so that a medical man, if not called in for some time, would be apt to say there was nothing wrong with the person. In this class of cases an injustice would be done to the injured man by delay. While there were some cases—injuries from railway accidents—which did not develop themselves immediately, he thought that within, at most, a week the injured person, after calling in his medical attendant, should be compelled to forward a statement of his injuries to his employer.

Mr. WRIXON observed that, in nine cases out of ten, self-interest would lead every employee to give the earliest possible notice of any claim he might have, because he would know that delay in the matter would, perhaps, put him out of court. The Imperial Act fixed the period of notice at six weeks, because it was well known that the persons most concerned were, as a rule, ignorant men—that was to say, ignorant in the sense of not knowing the details of the law. To tie employees down to 48 hours’ notice would practically defeat the object of the Bill.
The words "three months" having been struck out.

Mr. ZOX moved that the blank be filled up with the words "fourteen days."

Mr. GARDINER urged that the term should not be shorter than one month.

Mr. MURRAY said that, to prevent the setting up of bogus claims, he would prefer that the term should be 48 hours; but, under the circumstances, he would vote in favour of it being fourteen days.

The committee divided on the question that the blank be filled up with the words "one month"—

<table>
<thead>
<tr>
<th>Ayes</th>
<th>...</th>
<th>...</th>
<th>...</th>
<th>17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noes</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>30</td>
</tr>
</tbody>
</table>

Majority against Mr. Hunt's amendment ... ... 13

Mr. Baker, Mr. Mackay, Dr. Quick, Mr. Rees,
" M. H. Davies, " C. Smith,
" Duakin, " Walker,
" Durham, " Wrixon,
" Fincham, " Tellers,
" Gardiner, "
" Graves, " Mr. Hunt,
" Laughton, " Shills.

Mr. Billson, Mr. McLean,
" Bosisto, " J. J. Madden,
" Burrowes, " Murray,
" Cameron, " Officer,
" D. M. Davies, " Dr. Rose,
" Fink, " Mr. Service,
" Gibb, " Sloughton,
" Gillies, " Toohey,
" Graham, " Tucker,
" A. Harris, " Uren,
" J. Harris, " Yeo,
" Kerford, " Zox,
" Keys, " Tellers,
" Langridge, "
" Laurens, " Mr. A. Young,
" Levien, " Hall.

Mr. FINCHAM moved that the blank be filled up with the words "twenty-one days." He was convinced that to adopt a shorter period would be farcical.

Mr. ZOX said he would accept this amendment.

The amendment was agreed to.

Mr. HUNT moved an amendment substituting three months for six months as the term within which an action could be brought.

The amendment was negatived.

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

BAKERS AND MILLERS LAW.

The order of the day for the consideration of the resolution relating to the amendment of the bakers and millers law (passed in committee on September 24) was discharged from the paper.

HOSPITALS AND CHARITABLE INSTITUTIONS BILL.

This Bill was received from the Legislative Council, and, on the motion of Mr. SERVICE, was read a first time.

The House adjourned at eleven o'clock.

LEGISLATIVE COUNCIL.

Thursday, November 13, 1884.

Land Bill—Mining on Private Property Bill—Church of England Property Trustees Bill.

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

LAND BILL.

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

Discussion (adjourned from the previous evening) was resumed upon clause 35, setting forth the covenants to be contained in every lease of a grazing area.

The Hon. J. A. WALLACE drew attention to the 7th covenant, requiring every lessee, within three years from the date of his lease, to enclose his land with a fence. He pointed out that no penalty for non-compliance was provided for.

The Hon. F. T. SARGOOD observed that the 9th covenant provided that, in the event of any breach of covenant, the lease would be voidable.

Mr. WALLACE said he would take the present opportunity of informing honorable members generally that it was an utter mistake to suppose that all the good Crown lands of the colony were already selected. At the present moment no less than 22 applications had been sent in to the Lands department for 320-acre allotments of the 30,000 acres, or thereabouts, of rich volcanic soil that existed in the neighbourhood of the newly-discovered river—the Loch river—running out of the Latrobe; and he was informed that 16 or 18 of the applicants were Members of Parliament.

The Hon. W. A. ZEAL called attention to the 14th covenant, entitling the Crown to resume any grazing area under lease after giving three years' notice in three consecutive ordinary numbers of the Government Gazette. He observed that, under such conditions, a lessee might find himself dispossessed without having previously heard a single word on the subject. How was a farmer in a remote county district to know...
what notices were published in the Government Gazette?

Mr. SARGOOD said he would make a note of the point.

Discussion took place on clause 37, which was as follows:

"Any person may, on any day during office hours, deliver, or cause to be delivered, his application to a land officer acting in the district for a lease of a grazing area, or for a licence to occupy an agricultural allotment. Every application shall be received and entered in its order in a book to be kept for that purpose.”

Mr. WALLACE considered that the clause should be struck out, unless it were made to provide for greater publicity being given to applications. Why should they not each be advertised in the local newspaper? If something of the kind was not done, how would the public know when auriferous land was applied for?

The Hon. J. BELL remarked that every application would have to be dealt with by the local land board.

The Hon. W. McCULLOCH said the conductors of country newspapers were always ready to publish as news lists of the applications sent in to the local land boards.

Mr. ZEAL moved the addition of the following words to the clause:

"And before such application is dealt with, it shall be advertised once in some newspaper circulated in the district.”

Mr. SARGOOD expressed the opinion that the amendment was quite unnecessary, while it would entail increased work and expense. At present, the information was supplied to all parties interested by the local papers copying it from the Government Gazette.

The Hon. J. BUCHANAN observed that if too many forms and technicalities were required the result would be that an intending lessee would have to employ a lawyer.

Mr. WALLACE considered the amendment very desirable in auriferous parts of the colony, so as to prevent auriferous land being taken up without notice. He also thought that notices of applications should be posted up at the local post-office, as there might not be a newspaper in the neighbourhood.

Mr. BELL remarked that the amendment would be out of place in the present clause, which had only reference to the delivery of applications to a land officer.

Mr. ZEAL said he could not understand what possible objection there could be to the amendment, if it was desired that full publicity should be given to the mode of disposing of the land. He only desired that the public should be fully seised of the fact that a certain area of land had been applied for, and it was merely fighting a shadow to object to the amendment.

The Hon. J. WILLIAMSON asked whether if there was only one applicant for a grazing area on a certain day he was to be entitled to it, or whether in the record provided for in the clause the land officer could enter an application received on a subsequent day?

Mr. SARGOOD said it would scarcely do to provide that, because there was only one applicant for a grazing area, that applicant should necessarily obtain the lease. He might be disqualified through having previously selected, or from other causes. Under clause 120, provision was made for applicants for leases or licences having an opportunity of proving their bona fides. That was the principle adopted in the Land Act 1869, and the same system would be pursued under the present measure. (Mr. Ross—“Suppose the only applicant is eligible?”) Then it could not be conceived otherwise than that he would receive the lease.

The committee divided on the amendment—

| Ayes | ... | ... | ... | 4 |
| Noes | ... | ... | ... | 20 |

Majority against the amendment 16

Ayes.

Mr. Hanna, Mr. Zeal.

"Melville," "McBain," "Wallace." Mr. Meares,


Nors.

Mr. ZEAL said he could not understand what possible objection there could be to the amendment, if it was desired that full publicity should be given to the mode of disposing of the land. He only desired that the public should be fully seised of the fact that a certain area of land had been applied for, and it was merely fighting a shadow to object to the amendment.

The Hon. J. WILLIAMSON asked whether if there was only one applicant for a grazing area on a certain day he was to be entitled to it, or whether in the record provided for in the clause the land officer could enter an application received on a subsequent day?

Mr. SARGOOD said it would scarcely do to provide that, because there was only one applicant for a grazing area, that applicant should necessarily obtain the lease. He might be disqualified through having previously selected, or from other causes. Under clause 120, provision was made for applicants for leases or licences having an opportunity of proving their bona fides. That was the principle adopted in the Land Act 1869, and the same system would be pursued under the present measure. (Mr. Ross—“Suppose the only applicant is eligible?”) Then it could not be conceived otherwise than that he would receive the lease.

The committee divided on the amendment—

| Ayes | ... | ... | ... | 4 |
| Noes | ... | ... | ... | 20 |

Majority against the amendment 16

Ayes.

Mr. Hanna, Mr. Zeal.

"Melville," "Wallace." Mr. Meares,


Nors.

Mr. WALLACE proposed the addition to the clause of the words—"and notice shall be put up at the post-office nearest to the land applied for.” He thought the committee ought not to object to a means of publicity, which would involve no expense whatever.

The amendment was negatived without a division.

On clause 39, empowering the Governor in Council to issue a licence to occupy an agricultural allotment, Mr. BELL observed that this was the first clause which referred to an agricultural
allotment disconnected from a grazing area, and there appeared to exist some doubt as to whether a person could select 320 acres without taking up a grazing area. Clauses 31 and 32 provided for 320 acres being selected out of a grazing area, but the present clause did not refer to a grazing area, and appeared to enable a licence to be issued for 320 acres without any reference to it being part of a grazing area. 

Again, the definition of an "agricultural allotment" in the interpretation clause contained no allusion to the allotment being part of a grazing area. Further, the 42nd clause, in providing for the forfeiture of the licence of an agricultural allotment, enacted that if the licensee was also the lessee of a grazing area the latter might also be forfeited. This appeared to contemplate the possibility of a licensee of an agricultural allotment not having a grazing area, and if it was the intention of the Government only to allow an agricultural allotment to be taken out of a grazing area he thought the matter should be made plainer.

Mr. SARGOOD remarked that clause 30 provided that "any person, not being a selector under any previous Land Act or Acts, shall be entitled to take up a grazing area, and such person may . . . select thereout an area not exceeding 320 acres, hereinafter designated an agricultural allotment," so that it was clear that a person could not obtain an agricultural allotment unless he had first a grazing area out of which to select it. Therefore, he thought there could be no fear as to any one being able to take up an agricultural allotment except as part and parcel of a grazing area. He would, however, make a note of the point.

On clause 43, providing that in the event of the Board of Land and Works not being satisfied as to the improvements made on any agricultural allotment by the licensee being of the value of £1 per acre, the question should be referred to arbitration, and that the arbitrators "shall make their valuation in writing within four months after the end of the sixth year from the commencement of the licence."

Mr. ZEAL moved that "six" months be substituted for "four."

The amendment was agreed to.

On clause 52, enabling the selector of an agricultural allotment to obtain, at any time, a Crown grant of not exceeding 20 acres of his allotment, for the purpose of cultivating a vineyard or orchard, on payment of the difference already paid in rent and the full purchase money payable in respect of such portion of his allotment, Mr. McCULLOCH moved that "hop-garden" be inserted after "vineyard."

The amendment was agreed to.

On clause 58, providing that the same fee should be paid to the Registrar of Titles for registering a licence "as may for the time being be chargeable for registering a mortgage."

Mr. ZEAL suggested that the fee should be only a nominal one.

Mr. SARGOOD promised to make a note of the suggestion.

On clause 61 (the first of the series relating to auriferous lands), authorizing the issue of licences for the occupation, for the purposes of residence and cultivation, of allotments of auriferous land not exceeding 20 acres in extent,

Mr. WALLACE said he considered this clause ought to be struck out. He was aware that it was a re-enactment of what was law at present, but it was calculated to interfere with mining operations. He knew a mining claim upon which no less than £163,000 had been expended, and which had so far yielded dividends to no greater amount than £18,905; and he ventured to say that if 20-acre allotments were taken up under the clause around that claim, the washing connected with the mine would be seriously impeded. Why should this restriction be placed upon mining enterprise and the circulation of money necessarily attendant upon that enterprise?

Mr. SARGOOD observed that the clause re-enacted a provision of the existing law, which had uniformly been approved of by another place, the contention there being that it was only right that miners should have the privilege of taking up small allotments of land, which they could cultivate and reside upon.

The Hon. J. CAMPBELL remarked that no application for one of these 20-acre allotments was entertained by the Lands department until it had been first submitted to the Mining department.

Mr. BELL stated that he could bear testimony to the fact that the holdings under the 49th section of the Land Act 1869, of which the clause was a copy, had been a great convenience to the mining community. The licences were issued for only one year, so that if any of the land was wanted for mining purposes it could soon be made available.

Discussion took place on clause 63, which was as follows:—
The Governor in Council may issue to any person or persons annual licences to occupy, for grazing purposes, the surface of any of the lands described in the 2nd schedule hereto as auriferous lands, and which are not at the time of the issue of any such licence required for mining purposes. Such licences shall be renewable at the option of the licensee for five years from the date of the first issue of his licence, but nothing in this section or in any such licence contained shall be deemed to in any matter affect the right of any person to enter upon the said land for the purpose of searching for, digging, taking, and carrying away gold, silver, and other minerals, or to dig, take, and carry away the same. And no such licence shall be deemed to prevent the land granted under any such licence being licensed under part 4 of this Act being proclaimed a common or being occupied by virtue of any miner's right or business licence. Provided that no such licence shall be for a greater area than 1,000 acres, and that no person shall hold more than 1,000 acres of such auriferous lands.

The Governor in Council may from time to time make, alter, and repeal regulations with regard to the calling for and receipt of tenders for the issue of such licences, and with regard to the conditions on which the same will be issued or transferred, and generally with regard thereto.9

Mr. BELL stated that it was his intention, at one time, to move the omission of this clause, and the substitution of another for it; but he had abandoned that intention on the assurance of the Minister of Defence that the clause would be amended to meet his views.

Mr. SARGOOD said, in order to meet Mr. Bell's wishes, he begged to move the substitution for the words "such licences shall be renewable, at the option of the licensee, for five years" (lines 7 and 8) of the words "such licences shall be renewable annually, at the option of the licensee, for a period not beyond five years."

The amendment was agreed to.

Mr. WILLIAMSON proposed the omission of the proviso limiting the area to be held under any one licence or by any one person to 1,000 acres. A block of 1,000 acres must be fenced to be of any use to the occupier, and, when fenced, it would be no longer land open to the miner. It would be shut up as effectually as a grazing area. By that he meant that, while a man who worked only with pick and shovel might be able to enter upon it, the land would be shut to men who wanted timber and firewood. Auriferous lands had never been occupied in that way before. The firewood for mining consisted principally of fallen timber which was to be found on these lands, and that would not be obtainable if the lands were fenced. He believed that if the clause were passed as it stood it would operate very injuriously to the mining interest.

Mr. BELL observed that the licences issuable under the clause would be only of a temporary character, so that the Crown would have no difficulty in resuming possession of any auriferous lands which might be wanted for mining purposes. There were many residents on the gold-fields to whom a small area of land—an area of from 200 or 300 to 1,000 acres—for grazing purposes would be a great boon; and those persons would make a far better use of the land than it was put to at present, which was simply that of a breeding-ground for rabbits.

Mr. WILLIAMSON considered it would be most unfair to give the timber on the lands to which the clause referred to the licensees of those lands to the detriment of the miner. No one knew better than Mr. Bell that selectors in the neighbourhood of the gold-fields were getting for the timber on their selections as much per acre per annum as they paid for the fee-simple of the land. Moreover, it should be borne in mind that a licence under the clause was renewable, at the option of the licensee, for a period of five years.

The Hon. D. COUTTS remarked that if the amendment were carried, the area which might be taken up under one licence might be one acre or 5,000 acres, at the discretion of the Minister of Lands; and that would give the Lands department a chance of effecting, what he much desired to see, a classification of the lands. Much of the land in mining districts was of a very inferior character—it was land which should be taken up in 3,000 or 4,000-acre blocks, with no right to fence. To let auriferous lands be taken up in 1,000-acre blocks with no right to fence would be to create a lot of small squatters; and he believed that, if they were brought into existence, it would be necessary to add to the number of County Court Judges.

The Hon. J. BALFOUR stated that, at one time, he contemplated suggesting that words should be inserted in the clause to enable persons duly licensed to enter upon auriferous lands which might be taken up under the clause to cut timber; but his attention had been called to clause 89, which empowered the Governor in Council to license persons to enter upon Crown lands "to cut and take away any live or dead timber."

The amendment was negatived.

Mr. SARGOOD proposed the substitution, for the second paragraph of the clause, of the following:
"The annual rent per acre to be reserved in every such licence shall be a sum fixed by appraisement of the land by valuers appointed by the board in that behalf."

The amendment was agreed to.

Discussion took place on clause 64, which was as follows:

"All lands alienated under the provisions of this Act or of any previous Land Act or Acts shall be liable to be resumed for mining purposes by the Governor in Council on paying full compensation to the licensor, lessee, or purchaser in fee simple thereof, for the value other than auriferous of the lands and of the improvements so resumed; such value in case of disagreement shall be ascertained by arbitration; the terms, conditions, and events upon which such lands may be resumed and the manner in which such arbitration shall be conducted shall be determined by regulations in such manner as the Governor in Council from time to time directs."

The Hon. J. MACBAIN stated that the marginal note to this clause indicated that it was a transcript of section 99 of the Land Act 1869, but that section was not retrospective as the clause was. He begged to move the omission of the words "or of any previous Land Act or Acts." The clause, so amended, would be an exact copy of the corresponding section of the Act of 1869.

Mr. SARGOOD said he had not the slightest objection to the amendment.

The Hon. G. YOUNG asked whether the Mining on Private Property Bill, which had passed both Houses, did not provide for everything that could be accomplished under the clause? (Mr. Sargood—"I think so.") Then the clause was quite unnecessary. There might have been some reason for having such a provision in the Land Act 1869, but now that a measure had been passed dealing with the whole question of mining on private property in all its branches, there was not the slightest necessity for the clause; therefore, it would be just as well to strike it out.

The CHAIRMAN.—The only question before the committee is the amendment proposed by Mr. MacBain.

The amendment was agreed to.

Mr. YOUNG moved that the clause be struck out.

Mr. MACBAIN said he presumed that the clause, which was a little Mining on Private Property Bill in itself, was inserted because Ministers and mining members of another place were apprehensive that no Mining on Private Property Bill might be passed this session.

Mr. WILLIAMSON observed that the difference between the Bill which had passed the two Houses and the clause was that, whereas the former provided how the value of private land taken up for mining purposes should be ascertained, the latter left the matter to the Governor in Council.

Mr. MACBAIN stated that he could not help thinking that the whole clause was unnecessary, because it was bad in principle. Possibly, when there was no law with respect to mining on private property, there was some reason for such a clause, but none whatever could be said to exist at the present time. Why should the Government have power to buy land for the purpose of devoting it to mining purposes without any condition being laid down as to what, when it was bought, should be done with it? What would there be to prevent them from resuming auriferous land in the interests of their political friends? More extraordinary things than that had been done by Ministers in the past, and it was quite possible for the past to repeat itself.

Mr. WALLACE considered that the clause might be made to operate very advantageously for mining interests, and he would therefore support it.

The Hon. N. FITZGERALD thought the fears expressed by Mr. MacBain were without foundation, for the clause had been part of the existing law for fifteen years, and had never yet been improperly used. Why, moreover, should the selectors under the Act of 1884 be in a better position, with respect to the resumption of land for mining purposes, than the selectors under the Act of 1869? He thoroughly disapproved, however, of the proposed method of arbitration, believing that the plan to be followed should be the same as that laid down in the Mining on Private Property Bill. The Hon. C. J. HAM said he was afraid Mr. Sargood was in too great a hurry in allowing the clause to be amended as it had been, because it appeared as though the effect would be to repeal section 99 of the Act of 1869. As to what had just fallen from Mr. Fitzgerald, would it not be well to insert words to ensure that the arbitration would be "as provided in the Mining on Private Property Act"?

Mr. BALFOUR remarked that he was inclined to agree with Mr. Ham that the amendment just adopted would practically repeal section 99 of the Act of 1869, but he was not sure that, with a mining on private property law in existence, such a repeal would not be advantageous. Upon the whole, he thought the clause had no business in a Land Bill, but, in case it was retained, he would have the mode of arbitration prescribed by it.
made to resemble that adopted in the Mining on Private Property Act.

The Hon. D. MELVILLE stated that he also was afraid that Mr. MacBain's amendment was passed too hastily. As for the clause, however, it was one that ought to be in every Land Act. The Government ought to have power to resume any land, and the only amendment he would like to see adopted was the omission of the words "for mining purposes," or else the insertion after "mining" of the words "and agricultural."

Mr. SARGOOD pointed out that the arrangements between miners and landowners contemplated in the Mining on Private Property Act had nothing absolutely in common with the proposition in the clause, that the State should be able to resume lands for mining purposes. It was possible for many occasions to arise in which the exercise of such a power might be very useful. Indeed, it might be of the highest use should the law relating to mining on private property prove to have a flaw in it.

Mr. ZEAL suggested that Mr. Melville should once and for all propose a brand-new clause embodying the whole of the Henry George doctrine.

Mr. BELL observed that Mr. Fitzgerald's objection to the mode of arbitration proposed in the clause appeared to be met by the terms of clause 113.

Mr. YOUNG said he saw no reason why the clause should not be struck out.

Mr. WALLACE remarked that he could give Mr. Young and every other honorable member an excellent reason why the clause should be retained. Should large tracts of shallow sinking country be discovered, it would be most advantageous if they could be purchased by the State and opened to the individual miners under miners' rights.

The amendment was negatived.

On clause 65, providing for the sale of lands by auction.

Mr. SARGOOD proposed the addition to the clause of the following proviso:

"Provided that all moneys expended by the board in the reclamation or improvement of any Crown lands afterwards sold by auction shall be deducted from the moneys received for such sale, and the same shall be paid to the credit of the consolidated revenue."

He said this amendment was necessary, because in future the proceeds of land sales would be appropriated to railway construction.

Mr. ZEAL asked that the clause should be postponed, as he had strong doubts as to the propriety of alienating a certain class of lands in fee simple.

The clause was postponed.

On the motion of Mr. ZEAL, clause 75, providing that a plan should be prepared of the areas known as the Condah, Koo-wee-rup, Moe, Panyabyr, and Mokoolan Swamps, was amended so as to require the plans to be prepared "from actual surveys."

Discussion took place on clause 77, which was as follows:

"The Governor in Council may, if he thinks fit, cause any of the swamp lands to be drained and reclaimed, and the board may for that purpose make, construct, erect, and maintain all the proper works, engines, buildings, reservoirs, tanks, conduits, valves, sluices, pumps, canals, ditches, drains, cuts, channels, water-courses, sewers, embankments, dams, and all necessary drainage works."

Mr. BUCHANAN moved the insertion of the words "by prison labour" after "reclaimed" (line 3). He observed that in his amendment he principally had in view the drainage of the Koo-wee-rup Swamp, to which he referred at length on the second reading of the Bill. The drainage of this swamp would be an immense job which would require a great amount of labour to execute, and also a very long time. The work would probably occupy years, as it could only be properly done from one end. The Koo-wee-rup Swamp contained about 60,000 acres, and was about 23 miles long by an average of four miles in width. A large number of creeks and rivers flowed into it, and if its drainage was attempted by free labour the work would seriously interfere with the labour market, and raise the price of labour required for the construction of the proposed railways. There was an immense amount of labour in the penal establishments which was at present unutilized, and, as he pointed out on the second reading, the Inspector of Penal Establishments had, in successive reports, asked the Government to provide some work like the present on which the prisoners might be employed. The drainage of this swamp fulfilled all the conditions of the work desired by the Inspector-General, inasmuch as the place was easy of access, the prisoners could be easily guarded, and the work would take a long time to complete. It was to be understood that he did not wish men taken indiscriminately from the penal establishments to be employed at this work. Long-sentenced men could be taught trades in prison, and he did not want to interfere with them, but there were a large number of short-sentenced men who could not at present be profitably employed, and he thought the work of draining..."
the Koo-wee-rup Swamp would be very suitable for them. The work was one which would merely require manual labour—no skill was necessary beyond the ability to use a shovel, which would soon be acquired—and, as it would be open-air work, it would be very useful in accustoming men who were mere loafers and idlers to labour which would enable them to earn an honest living when they were released. He believed that the magistrates would have less hesitation in sending young fellows of the larrikin type to gaol if it was known that they would be employed on a work of this kind. At present the prisoners cost the country something like £60,000 a year, while they yielded no return, and honest men had to give up part of their earnings in order to keep these people in idleness. A medical man of large experience in connexion with the penal establishments had told him that it was impossible to do any good with prisoners unless they were given work to do. Unless, by being accustomed to work, they were put in the way of earning an honest living, they would simply return to their old haunts when they left gaol, whereas twelve months' training and discipline in a work of this kind might effect a great change in them. Of course, the chief cry against such a proposal as that which he suggested was that it would interfere with the labour market, but he thought the drainage of the Koo-wee-rup Swamp was a work which would not be done for many years by free labour, if it was ever done in that way at all. The work would be of a very disagreeable character. The number of hands required for such work would be exceedingly limited owing to the quantity of work got through the time came to reclaim these swamps the fullest inquiry must be made in regard to the amount of labour available for the free population, while affording to the colony 60,000 acres of valuable land.

Mr. SARGOOD expressed the hope that the honorable member would not press his amendment. The Government had at present full power to carry out the reclamation of any land by prison or any other labour, and he therefore did not see the necessity of inserting such an amendment in the clause, especially as it would tie the hands of the Government by making the employment of prison labour in this work mandatory. When the time came to reclaim these swamps the Government would no doubt make the fullest inquiry as to the most suitable and, all things considered, the most economical mode of carrying out the work. The employment of prison labour was a question which was surrounded with grave difficulties. The work on which prisoners could be profitably employed must be of a very special character. It was requisite that ample provision should be made for guarding them; and, in the open country where escape would be comparatively easy, they would require such an expense for guarding them as would render the value of their work almost nil. In the old country, during his visit there, he had conversations on the subject with practical men, and the result of his inquiries was that it was exceedingly difficult to provide labour of a suitable character for convicts. In the old country they were sometimes employed on fortifications and defences, but the work was done under such conditions that escape was difficult, and the expense of guarding very light. Mr. Buchanan had also referred to the work of draining the Koo-wee-rup Swamp as one of a very extensive character. No doubt it was extensive in one sense, but he differed from the honorable member as to the time it would occupy. If the honorable member saw the work which was being done near the Yarra by the steam navvies of the Harbour Trust, he would be astonished at the amount of work which they turned out, and the few hands that were necessary in connexion with them. Similar works to the drainage of this swamp were going on in France on a much larger scale, and these "navvies" were largely used in connexion with them. They were used on floats, making cuttings of 30 feet each, and throwing the spoil to right and left, thus forming embankments as they went on. When wider cuttings were required two of them went abreast, and they performed an astonishing amount of work. Mr. Buchanan was also mistaken in supposing that the work could not be commenced from different points, as similar works were now being carried on in France, by means of these machines, from several points at one time. The machines were floated on special punts drawing only a few inches of water, and the excavation was commenced at various points. Again, the dealing with machinery of this kind could not be wisely intrusted to the hands of prison labourers. Free labour was necessary, and free labour of a skilled character. The number of hands required for such work would be exceedingly limited owing to the quantity of work got through
by the steam navvies. He trusted that, under these circumstances, the honorable member would not proceed with his amendment, as it would compel the Government to employ prison labour, whether such labour was profitable or not.

Mr. MELVILLE said he was glad Mr. Buchanan had taken an opportunity of introducing this question. In almost every other country in the world prison labour was utilized for such work as that now in question. Why should 1,400 fellows be cooped up in idleness when a large number of them could be profitably employed on such a work as draining the Koo-wei-rup Swamp? He was sorry to have to admit that the only reason appeared to be that there was a fear of dealing with this question simply because it was supposed by some that the employment of prison labour would be a sort of competition with the ordinary laboring class of the community. It was high time that the Council, at all events, which was thoroughly independent in these matters, should show the country that there was nothing like unfair competition with free labour in utilizing prison labour for the reclamation of such places as the Koo-wei-rup Swamp. As a matter of fact, such reclamation would be providing further openings for the employment of free labour.

Mr. Buchanan had taken an opportunity of introducing this question. In almost every country, at all events, which was thoroughly independent in these matters, there must be a good deal of labour also required which could be done by prisoners. Mr. Buchanan had suggested to him that a hulk could be placed in Western Port Bay from which the men could be landed to work in the swamp, returning at night. The Minister of Defence asked what was the necessity for the amendment, seeing that the Government had already the power of constructing sewers in the main thoroughfares; and the Tramway Company were about to engage in the expenditure of hundreds of thousands of pounds worth of work in

Mr. BUCHANAN stated that he would accept the alteration of the amendment suggested by Mr. Balfour.

Mr. STEWART observed that the Government were asking the authority of Parliament to the construction of 1,000 miles of railway at a cost of upwards of £6,000,000; the Corporation of Melbourne were proposing to re-lay the whole of the streets of the city with timber blocks, and were already constructing sewers in the main thoroughfares; and the Tramway Company were about to engage in the expenditure of hundreds of thousands of pounds worth of work in
laying down tramways throughout the length and breadth of the metropolis. Besides which, the large work known as Sir John Coode's canal was now being carried on, and the Government would shortly have to face the huge undertaking connected with the completion of Parliament House. All these works must absorb a large amount of labour. And then there were the various municipal works and other works which had to be carried out either by private enterprise or by the Government. Under these circumstances, he considered the Government ought to gladly welcome the opportunity now afforded of utilizing labour which at present was not only an incubus but also a source of great expense and trouble.

Prison labour had been employed on street construction at Castlemaine for a number of years with success, and he did not understand why it could not also be employed with success in the work of swamp reclamation. As to the steam navvy, although it might be used advantageously in connexion with huge works, it was not applicable to light works. It was a cumbersome machine, and could not easily be moved about. (Mr. Sargood—"There are steam navvies of small size.") The steam navvy was altogether inadequate for works connected with swamp drainage. How could it cut narrow channels, and place the material obtained from those channels on the banks?

Mr. SARGOOD stated that he had seen a steam navvy cut a channel not more than ten feet wide, and deposit the spoil obtained from the channel on the banks, the distribution of the spoil requiring only a small amount of manual labour.

Mr. ZEAL remarked that it was clear that some manual labour would be required, and that the cost of employing steam navvies would be considerable compared with the cost of prison labour. As to the question of guarding the convicts, he would ask how had roads been constructed in Tasmania? Was it not the fact that some of the vilest men that ever lived were successfully employed upon public works in that island? If convicts could be kept under surveillance when employed on public roads, how much easier would it be to keep them under surveillance in a locality which was pretty well surrounded by water? As for their accommodation at night, a movable stockade could be constructed. He dwelt upon this matter to show that the Government had at command a large amount of labour for the purposes of such work as swamp drainage. It was idle to say that such work could not be executed in quite as economical a way by prison labour as it could by free labour.

Under all the circumstances of the case, he could not see why the Government should oppose the amendment.

The Hon. W. ROSS said that many great national works in New South Wales had been carried out by prison labour. He might mention, for example, the road from Penrith, over the Blue Mountains, to Bathurst. That road was entirely constructed by convicts, who were moved in gangs from place to place. If convicts could be kept under surveillance in a place like the Koo-see-rup Swamp. The amendment was undoubtedly in the interests of the convicts themselves. It would be for their physical and mental welfare if they could be employed as proposed. In view of the benefit which the adoption of the amendment would confer, the present Government should have the courage to face the question. Previous Governments had not had the courage to do so, because of the cry got up that the employment of prison labour would interfere with free labour.

Mr. MACBAIN considered the committee were indebted to Mr. Buchanan for having the moral courage of his opinions to bring forward this matter. Governments, as a rule, had not the moral courage to face the difficulty, because the working classes had objected for years to be exposed to what they apprehended would be the competition of prison labour. He believed that the employment of prison labour in reclaiming swamps would have the effect of improving the moral character of the convicts, and fitting them to occupy a different position in society from that which they would otherwise fill when their terms of punishment expired. It would give convicts a chance of rehabilitating their character. Would the Government accept the amendment as amended? (Mr. Sargood—"No.") He was sorry to hear this, because the amendment would not compel the Government to employ prison labour on the work of swamp drainage; it would only strengthen their hands if they chose to employ such labour.

Mr. HAM expressed the hope that the Government would accept the amendment as amended. He considered that able-bodied convicts ought to be made to earn what they cost to the State. Why should they be a burthen upon the honest and industrious members of the community? As an incentive to convicts to labour assiduously, he would like to see whatever might be the
value of their earnings in excess of the cost of caring for and maintaining them placed to their credit, and the amount handed to them when their period of punishment expired. He believed such an arrangement would have a reforming influence.

Mr. McCULLOCH remarked that Mr. Buchanan deserved the thanks of the committee for bringing forward this matter. He was afraid, in view of the works in Victoria referred to by Mr. Zeal, and the determination of the Parliament of New South Wales to expend £14,000,000 on railway construction in that colony, that the farming interest would be sadly inconvenient for want of labour. As to the idea of swamp reclamation being carried out by free labour, the thing could not be done. The only way was to employ prison labour.

Mr. BUCHANAN stated that he was well aware that machines could be employed in the work of swamp reclamation, but his desire in connexion with the matter was not so much to reclaim swamps as to reform prisoners, so that when they re-entered society they would be to some extent fitted to earn an honest living. At present, their discipline was such that when their terms of imprisonment expired they had no other resource than to go back to their old haunts and to their old ways.

The Hon. T. BROMELL expressed the hope that the Government would accept the amendment, particularly in view of the fact that the railways about to be authorized would absorb such a large amount of labour. He was only sorry that convicts had not been put to work like swamp reclamation before; because, owing to the lazy life which they were allowed to lead in gaol, they were not able to do any good for themselves or anybody else when they again became free men. He would be glad to see not only prison labor utilized as much as possible, but a sum placed on the Estimates to assist in immigration.

The amendment for the insertion of the words "by prison or other labour" was agreed to.

On clause 79, empowering the Board of Land and Works, inter alia, to enter upon land within 50 yards of any canal, ditch, water-course, or sewer, whether constructed or in course of construction, for the purpose of depositing spoil thereon,

Mr. BUCHANAN moved that "150" be substituted for "50" yards. It was important that the banks should be low banks, and, therefore, it was necessary that the spoil should be spread over a greater width than the clause proposed.

The amendment was agreed to.

On clause 81, authorizing the issue of leases of reclaimed swamp lands in allotments not exceeding 160 acres for a term of 21 years,

Mr. ZEAL suggested that the maximum area of the allotments should be 100 acres. It should be recollected that the land would be worth something like £20 per acre.

Mr. BUCHANAN said he thought the clause should remain as it stood. The allotments would not be all of one size. Their area would be regulated according as the channels were cut. In the middle of the Koo-woe-rup Swamp there were some sandy islets of little use, and in that locality larger areas might be granted than were allowed elsewhere.

On clause 83, authorizing the issue of "grazing licences or licences to cut timber in any State forest."

Mr. SARGOOD moved the insertion, after "grazing licences." of the words "residence licences."

The amendment was agreed to.

The committee having advanced as far as clause 93,

Progress was reported.

MINING ON PRIVATE PROPERTY BILL.

A message was received from the Legislative Assembly, communicating the fact that the Assembly did not insist on their amendments in this Bill disagreeing with the Legislative Council, and had agreed to the substitution of "eleven" years for "seven" in clause 30.

The Hon. F. T. SARGOOD said he thought that he might fairly congratulate the Council and the public on the passing of legislation on a question which had been before the country for the last quarter of a century.

CHURCH OF ENGLAND PROPERTY TRUSTEES BILL.

A message was received from the Legislative Assembly, communicating the fact that they had agreed to an amendment in this Bill recommended by His Excellency the Governor, with which they desired the concurrence of the Council.

On the motion of the Hon. J. MACBAIN, the amendment was agreed to.

The House adjourned at twenty-five minutes to eleven o'clock, until Tuesday, November 18.
LEGISLATIVE ASSEMBLY.
Thursday, November 13, 1884.


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

PETITIONS.

Petitions were presented by Dr. Quick, from residents of Sandhurst, in favour of the Game Act Amendment Bill; and by Mr. Robertson, from residents of Beeac and Colac districts, against the Bill.

RAILWAY DEPARTMENT.

Mr. Pearson asked the Minister of Railways if there was any objection to putting up the north sidings at Brunswick to auction, as was lately done with the south sidings, instead of inviting tenders for them?

Mr. Gillies, in reply, read the following memorandum from the Railway Commissioners:

"It has always been the practice to let firewood allotments by tender. An exception, however, was made in the case of the lower-level sidings at Spencer-street, where the businesses are of long standing. It was thought advisable to allow the late lessees, who had large stacks of wood on the ground, an opportunity of retaining their allotments at bidding at auction, as if the tender system had been adopted they might have been put to considerable expense in removing their stock by other parties tendering a larger amount for their allotments. There is nothing in the case at Brunswick to justify a departure from the general practice of the department to let by tender."

Mr. Mason asked the Minister of Railways the following questions:

"1. If it is a fact that the Railway department has permitted Messrs. Higgins and Wright, late railway contractors for the Oakleigh Railway line, to go to arbitration respecting certain claims which they have made against the department in connexion with the contract in question?

2. Would the Minister explain the circumstances under which the matter was allowed to go to arbitration?

3. Has the department taken any steps to defend the public against these demands; and, if so, what is the nature of them?

4. What is the cost of arbitration up to date, and who is paying the expenses?"

Mr. Gillies said he regretted that he was not in a position to answer the honorable member's questions. The matter referred to was sub judice, and therefore, in the public interests, it would not be proper to discuss it now.

Mr. Mason expressed the hope that the Government would avail themselves of every legal means in their power to prevent the country from being plundered. The matter was a most important one, and he would take the opportunity of referring to it again before the prorogation.

CARLTON ORDERLY ROOM.

Mr. Laurens asked the Attorney-General if the Carlton Orderly-room had been transferred to the Council of Defence, pursuant to agreement between the Crown and the recently disbanded Carlton Volunteer Corps?

Mr. Kerferd stated that the deed conveying the Carlton Orderly-room to the Council of Defence was ready for the signature of the trustee, but the trustee had been advised that he must not sign it until he obtained the consent of the parties for whom he was acting. Now that the matter had been mentioned publicly, perhaps the persons interested would take the necessary steps to authorize the trustee to make the transfer.

BUSH FIRES.

Mr. Langdon asked the Chief Secretary if he would cause additional instructions to be issued to mounted constables in charge of country stations to specially patrol their districts, with the view of suppressing the careless use of fire during the harvest months, and thus materially lessen the chances of bush fires? He regretted to say that two extensive bush fires had already occurred this season in his district, each of them destroying about 300 acres of grass, besides other property. He believed that both fires were caused by carelessness. People in charge of travelling stock from Riverina and elsewhere frequently left their camp fires unextinguished, and, in some instances,selectors were careless in the burning of timber. There was great risk of bush fires from both these causes, but the danger would be materially reduced if the mounted constables in country districts were instructed to make special patrols with the view of preventing the careless use of fire.

Mr. Berry remarked that the honorable member put a similar question last year, and precautions were taken to prevent bush fires in consequence of his suggestion. The
same course would be adopted this year; that was to say, instructions would be given to the police to observe extra vigilance, in order to prevent the careless use of fire in the country districts. It would, however, be impossible to have special patrols for that purpose.

**STOCK INSPECTORS.**

Mr. GRAVES asked the Minister of Agriculture if he was aware that some years since a select committee of the House recommended that the senior or district inspectors of sheep and stock should be, at least three years prior to their appointment to that office, discharging the duties of junior or border inspectors, and that his predecessors in office rigidly adhered to this recommendation, and granted promotions solely by seniority and experience in the department? He was informed that a gentleman outside the service had recently been appointed, over the heads of the junior inspectors, to succeed Mr. Riley, of Geelong, a senior inspector, notwithstanding the fact that there were fourteen junior inspectors, at least two of whom had been in the service for many years—one of them since 1858.

**GEELONG HARBOR.**

**NEW DREDGE.**

Mr. CONNOR asked the Minister of Public Works if his attention had been called to a telegram from Queensland, in the *Argus* of the 2nd October last, to the effect that tenders had been accepted for the construction of dredge plant, including two steam launches for screw tug boats, and fifteen hopper barges, at a cost of about £50,000, the successful tenderers being Brisbane firms; and also whether tenders would be invited for the proposed new dredge to complete the cutting of the bar in Corio Bay, and for the deepening of the South Channel? It seemed to him to be passing strange that six or eight months were required in order to obtain specifications in Victoria for a dredge, when one could be constructed in Queensland apparently without any difficulty.

Mr. DEAKIN stated that the Queensland dredge plant referred to by the honorable member was not anything like the dredge intended to be used for deepening the South Channel and improving the entrance to Corio Bay. The former was a very simple plant, but such a one as the latter could hardly be obtained out of the United Kingdom, and even there only from a few firms. However, tenders for the proposed dredge had been invited that day in the colony.

**THE PREMIER AND MR. BENT.**

Mr. BENT said the previous night he made some observations with reference to the action of the representatives of the Government in the Legislative Council in connexion with the provision in the Land Bill enabling married women to take up land. The Premier stated that his remarks were not in accordance with fact, and the Minister of Railways also said so. The report in the *Argus* of what occurred in the Council showed that he (Mr. Bent) stated exactly what did take place. He, therefore, hoped that the Premier would at once rise and withdraw the contradiction.

Mr. SERVICE stated that he was sorry he could not admit that he was wrong. He noticed that the reports in the daily newspapers as to what occurred differed to some extent. The *Argus* bore out the honorable member's statement, although not completely; but the *Age* confirmed his (Mr. Service's) statement, (Mr. Bent—"Will you admit we were both right?") No; he could not admit that. The effect of the statement made by the honorable member the previous night was that a representative of the Government had invited the Legislative Council—had taken the initiative in the matter—to strike out the provision in the Land Bill enabling married women to select land, and to restore the clause to the shape in which it was when the Bill was introduced in the Assembly. He (Mr. Service) contradicted that statement, knowing that it must be incorrect, because no member of the Government would have taken that step without consulting the Cabinet, and there had been no consultation with the Cabinet on the subject. The matter was never spoken of in the Cabinet except in a casual way by the Minister of Defence, who said—"I don't believe in this married
women's clause; what shall I do if any question is raised about it?" and he (Mr. Service) replied—"Do as you please." He had since been told by the Minister of Defence what actually did take place, and he felt quite justified in having repelled the assertion of the honorable member for Brighton. The honorable member's statement implied that the Minister of Defence solicited the Council to vote against the provision allowing married women to select; but it appeared that it was only after the honorable gentleman was appealed to two or three times as to what the intentions of the Government were that he said they would vote for Mr. Cuthbert's amendment. No one would have more pleasure than he (Mr. Service) would in making an apology if he felt it his duty to do so; but, under the circumstances, he was afraid that the honorable member and he would have to differ and be friends.

Mr. BENT quoted the *Age* report of what occurred in connexion with the matter the previous evening both in the Council and in the Assembly. He submitted that the report showed that the statement he made was quite correct, and that the Premier was not justified in contradicting it. If he (Mr. Bent) had been in the Premier's position, he would have at once admitted that he made a mistake. He regretted that the honorable gentleman had not done so, but he would not pursue the matter any further.

**LUNATIC ASYLUMS.**

Mr. ZOX (who, to put himself in order, moved the adjournment of the House) called attention to a paragraph in the *Age* newspaper stating that Dr. Graham waited upon the Chief Secretary the previous day and informed the honorable gentleman that he had received a communication from Mr. Zox, as chairman of the Lunacy Commission, intimating that it was the intention of the commission not to recommend the granting of any more licences for private lunatic asylums. The paragraph also stated that Dr. Graham desired to know whether he would be unable to obtain a licence, as he contemplated expending £10,000 in establishing a private lunatic asylum. He (Mr. Zox) never in any way communicated with Dr. Graham, nor had he in any way communicated with Mr. Harcourt, in reference to the matter. Moreover, the subject of private lunatic asylums had not as yet come under the consideration of the Lunacy Commission; therefore, the statement was most unfair. When the commissioners saw the paragraph in the *Age*, and also one in the *Daily Telegraph*, they asked him to bring the matter under the notice of the House for the purpose of contradicting it. He would take this opportunity of calling attention to the difficulties which the commissioners experienced in obtaining evidence. Frequently they received letters from ex-warders, patients, and others, intimating their desire to give evidence, and yet when the time arrived for those persons to give their evidence, by some unaccountable reason they declined to give it, and wanted to withdraw their communications. He did not believe the Government would connive in any proceeding of this kind; and what he wanted to ask the Chief Secretary to do was that when he was waited upon by gentlemen who might or might not be interested in the lunatic asylums, he would either require those gentlemen to make their complaints in writing, or refer them to the Royal commission. For himself and his brother commissioners, he desired to say that representations to the Chief Secretary, whatever they might be, would not intimidate them from carrying out the important duty which the Government had placed in their hands.

Mr. OFFICER seconded the motion.

Mr. BERRY observed that a member of the Assembly having written to him to grant an interview to Dr. Graham with regard to the private asylum hitherto conducted by Mr. Harcourt, he at once acquiesced, as he was always glad to receive any one who desired to see him on public business. At the interview it was represented that Mr. Harcourt had sold his establishment, and was about to retire, and that, as there were a number of patients who required accommodation, Dr. Graham proposed to provide them with that accommodation if he could obtain a licence. On this representation, he (Mr. Berry) said that if Dr. Graham sent in an application, and that if inquiry showed that he was a proper person to have a licence, and that the premises he proposed to occupy were such as would be proper for the accommodation of the insane, he saw no reason why a licence should not issue. It was then mentioned by Dr. Graham that a communication had been sent by the chairman of the Royal commission to Mr. Harcourt, stating that no private lunatic asylums would be allowed in Victoria in the future. (Mr. Zox—"That is utterly untrue.") Dr. Graham made that statement. He also stated that his outlay would be something like £10,000. It then appeared that Dr.
Graham had come to him for some sort of guarantee or promise in connexion with the matter. He (Mr. Berry) stated that, so far as he knew, no such communication had been made, and that, if it had been made, it could be taken only as the opinion of the gentleman who wrote the letter, because the matter would have to be considered by the Government and by Parliament before it could become law. An explanation on the subject took place between the honourable member for East Melbourne (Mr. Zox) and himself the same day. The honourable member produced the letter-book kept by the secretary to the commission, which showed the letter received from Mr. Harcourt, and also the letter written in reply—a letter which certainly did not bear out Dr. Graham's statement. With regard to the other matter, he (Mr. Berry) did not know that he could adopt any other course in the future than that of listening to the representations which deputations might make to him. The deputations that made the statements were responsible for them, and, if such of them as related to the Lunacy Commission were wrong, the honourable member for East Melbourne had the opportunity of correcting them. He would be glad to do all he possibly could to assist the Lunacy Commission in obtaining the fullest evidence possible on the matters which had been remitted to them. No doubt the fact of persons writing to the effect that they could give certain evidence, and then declining to substantiate their statements, was very irritating, and was calculated to produce the impression that some evil influence was at work. So far as the employees and patients who were under the control of the Government were concerned, he was willing that they should afford to the commission the fullest information in their power with regard to all matters which they might be questioned upon; and, if an order to that effect, addressed to all employees in the lunatic asylums, would assist the commission, he would give it at once. He would be only too glad to assist the commission in that way, or in any other which the honourable member for East Melbourne might be able to suggest. 

Mr. ZOX stated that he gathered from the Chief Secretary's remarks that it was a misreport on the part of the Age to state that Dr. Graham said he had received a letter.

Mr. BERRY said that was so.

Mr. GRAVES remarked that Dr. Graham had been for years his next-door neighbour, and also the medical adviser to his family. In conversation, the previous day, Dr. Graham informed him that he was placed in a very unpleasant position; that for twenty years he had been medical adviser at Mr. Harcourt's asylum; that among the patients in that establishment were people of means and good connexions of whom he had been requested to take charge; and that he would be unable to do so unless he could obtain a licence, as Mr. Harcourt's licence would expire in ten days. He was under the impression that there would be difficulty in obtaining a licence, and he wanted that matter settled before he saw the friends of the patients, and undertook to have charge of them. It was under those circumstances that he (Mr. Graves) introduced Dr. Graham to the Chief Secretary. What transpired at the interview had already been stated by the Chief Secretary. According to his recollection, Dr. Graham said that Mr. Harcourt had received a letter from the chairman of the Lunacy Commission, intimating that they would be disinclined to report favorably as to the continuance of private lunatic asylums.

Mr. WALKER said he would take advantage of this opportunity to make a personal explanation. It might be recollected that among the witnesses examined by the Lunacy Commission was a former patient, part of whose evidence was that he heard somebody else say that somebody else told him that he was in a position to use him (Mr. Walker), as a member of the Assembly, to get political favours from the Government of the day, and on this statement the Age newspaper founded a leading article virtually charging him with all that the ex-lunatic had placed on hearsay to his credit. He did not take any notice of the matter for the reason that from the first day he entered political life he had been continually attacked by that journal, or by some one person employed upon it, in a most malicious manner—why, he could not imagine; but he knew his friends attributed it to personal animosity. However, as the present discussion had arisen, he would take the opportunity of mentioning that, as far as he knew, since he had been member for Boronondara he had not got a single warder appointed at the Kew Asylum. What he had always done in connexion with applications for appointments at Kew was, if he knew the applicant, to endorse the application with a recommendation; and, if he did not know the applicant, to insist upon his bringing from some person he did know a statement authenticating his respectability and his fitness for the position he sought. As to using any political influence in connexion...
with the appointment of warders, he would appeal to the Chief Secretary, and to his predecessor (Mr. Grant), to confirm him in the assertion that he had used no such influence whatever. He believed it would be found, on investigation, that nine-tenths of the present warders at Kew were appointed before he became member for the district. So that the assertion that he had used his position to get these men appointed, and afterwards to secure them undue advantages, was simply and entirely untrue. When they had had a grievance, and had appealed to him, and he had ascertained the grievance to be well founded, he had brought the matter before the Assembly. The honorable member for Williamstown had frequently done the same thing on behalf of employees in the railway workshops, and yet he had never been charged with acting improperly in so doing. He (Mr. Walker) would challenge the Lunacy Commission or any one to bring forward a single case in which he had used improper solicitations to gain political advantages for warders in the Kew Asylum. It seemed to him not only in connexion with the Lunacy Commission, but in connexion with all Royal commissions, that it would be very desirable if the evidence were confined to such statements as could be received in a court of law. If that were to be the rule, public men might escape being maligned and slandered by newspapers merely on the assertion of a witness that he had heard somebody else say what somebody else had told him he had done.

Sir C. MAC MAHON stated that he thought the Chief Secretary did quite right in receiving Dr. Graham, and in intimating that, Mr. Harcourt being about to discontinue the management of the lunatic asylum with which he had been so long connected, it was a question whether it was desirable or not that another private institution should be started. But then came this peculiar feature of the transaction—the attempt to extract from the Chief Secretary a promise that he would grant a licence before the applicant proceeded to expend money (the amount mentioned was £10,000) in the purchase of land and the putting up of a suitable building. What did that mean? Simply that, in the event of Parliament determining, at any time, that it was not desirable for private lunatic asylums to be continued, the applicant might be able to come to the Assembly for compensation. He considered the Chief Secretary was quite right in hesitating to give any such assurance. There could be no question that many people in Victoria who were not lunatics had been put into lunatic asylums, and that many lunatic patients had been grossly ill-treated in those institutions; and he considered it wrong to license private asylums except from year to year, so that, if anything wrong took place, the Government could interpose to stop it. Although it was only right that the State should be relieved from the cost of maintaining lunatics whose families were able enough to maintain them, it behoved the Government to be cautious in granting to any individual a monopoly in the matter of depriving human beings of their liberty. He could conceive no greater tyranny than that under which, merely on the certificate of two or three medical men, an unfortunate man or woman, who might stand in the way of the acquisition of property by another person, could be safely provided for. He trusted the House would do nothing to encourage proceedings of the sort; but that, on the contrary, it would insist on the supervision of lunatic asylums being so rigid that the scandals which had taken place in connexion with such establishments would never occur again.

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

LOAN BILL.

The resolution affirming the expediency of an appropriation for the purposes of this Bill (passed in committee the previous day) was considered and adopted.

Authority being given to Mr. Service and Mr. Kerferd to introduce a Bill to carry out the resolution,

Mr. SERVICE brought up a Bill "to authorize the raising of money for the redemption or payment of certain debentures, and for other purposes," and moved that it be read a first time.

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

Subsequently, the order of the day for the second reading of the Bill introduced on November 11 was discharged from the paper.

AGENT-GENERAL'S ACT AMENDMENT BILL.

The resolution affirming the expediency of an appropriation for the purposes of this Bill (passed in committee the previous day) was considered and adopted.

Authority being given to Mr. Service and Mr. Kerferd to introduce a Bill to carry out the resolution,
Mr. SERVICE brought up a Bill "to amend an Act intituled 'an Act to make better provision for the office of Agent-General,'" and moved that it be read a first time.

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

COLLEGES OF AGRICULTURE BILL.

The resolution affirming the expediency of an appropriation of rents for the purposes of this Bill (passed in committee the previous day) was considered and adopted.

Authority being given to Mr. Derham, Mr. Connor, and Mr. Dow to introduce a Bill to carry out the resolution, Mr. DERHAM brought up a Bill "to provide for the establishment of colleges of agriculture, and for other purposes," and moved that it be read a first time.

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

RESIDENCE AREAS ACT AMENDMENT BILL.

The amendments made in this Bill, in committee, were considered and adopted.

Mr. KERFERD proposed that the latter portion of clause 3 be amended to read as follows:

"In the event of the Crown requiring to resume possession, for public or other purposes, of any residence area, the holder of such area shall be entitled to payment of compensation for the value of his interest in such residence area, together with the value of any buildings or other improvements erected or made thereon. Such value shall be ascertained and determined in the same manner as the value of buildings, erections, and bonds improvements made on land held for residence or business is ascertained and determined under the provisions of the Mining Statute 2605."

The amendment was agreed to.

The third reading of the Bill was made an order for the following Tuesday.

PATENTS BILL.

Mr. KERFERD moved that this Bill be read a second time, and explained the alterations which the measure would make in the existing law. The first alteration of importance was to extend the period of protection on the deposit of specification from six months to twelve months. A great number of inventors had complained that the time now allowed was far too short, because after obtaining protection they engaged in experiments with the view to perfect their invention, and in many cases six months was not sufficient for the purpose. He had been given to understand that the extension of time provided for would be a great boon to applicants for letters patent. Another alteration related to the exercise of powers by the Law officer who dealt with applications for letters patent. Among the things which the Law officer had to determine was whether the application for a patent disclosed a novelty, and yet he was unable to call evidence to assist him in arriving at a decision upon the point. Sometimes the novelty involved was very small though it might be very important, and it was important to ascertain, by means of evidence from persons engaged in trades and manufactures, what interference those trades and manufactures might be subjected to if a monopoly were created by the grant of the particular patent applied for. Accordingly the summoning of witnesses and the enforcing of their attendance were matters which were provided for by the Bill. Then again, under the existing law, there could be no appeal from the decision of the Law officer in either granting or refusing letters patent. Sometimes the Law officer was oppressed with the consciousness that, while he might do a great wrong in refusing an application, he might do a great injury to some trade or industry if he granted it; and it would be a great relief to him if he could feel that there was power of appeal to the Supreme Court for the reversal of his decision if it was wrong. (Dr. Quick—"Is that advisable?") He believed that the honorable member for Sandhurst (Dr. Quick), when he came to sit as a judge, would be greatly relieved to find that his decisions could be reviewed by a superior tribunal. At all events, the Bill provided that, when letters patent were refused, there should be power of appeal to the Supreme Court. Another provision of the measure was that letters patent for an invention patented abroad might be granted within one year from the date of such foreign patent, notwithstanding that the invention had already been used in Victoria; provided such use had taken place without the consent of the inventor. Perhaps no branch of the patents law had inflicted so much hardship as that which enabled the first introducer of an article into Victoria to obtain a patent for it, although it was not his invention. It was no uncommon thing for an inventor to come hither from England or some other country for the purpose of taking out letters patent for his invention in Victoria, to find himself forestalled by some person who had obtained particulars of the invention merely from some illustrated magazine. He recollected a case in which Mr. Justice
Higinbotham, when Attorney-General, felt bound, very much against his own feelings, to grant letters patent to a person who really had no claim so far as the merits of the case were concerned. This branch of the law originated in very remote times, when the means of communication with different parts of the world was very difficult, and when the making of voyages was a matter of great peril. It was then considered a very meritorious thing for a person, after encountering risk and hardship, to bring an invention from foreign countries to England, and it was usual to grant a patent to the individual for the articles so introduced. But that was a very different thing from taking in these days the description of an invention from a trade circular or an art journal which came through the post. For a man to be able to obtain a patent by that simple operation was altogether outside the spirit and intention of that which was the foundation of the patents law. Therefore he had no doubt that the proposal contained in the Bill, that a person who patented an invention in England or elsewhere should be at liberty to patent it here within one year, although the article might be imported into Victoria in the interval, would be regarded on all hands as a most equitable provision. Another provision of the Bill which he believed would be hailed as a great boon by applicants for letters patent was that which enabled the Governor in Council to make arrangements with the Governments of other Australian colonies so that a patent obtained in Victoria should have operation in these colonies. This was only a proper provision in view of the fact that no persons deserved more consideration at the hands of society than the man who devoted his energies to the invention of some labour-saving machine, or some contrivance which was calculated to promote the advancement of humanity. One clause of the Bill empowered commissioners who might be appointed to hear petitions for the extension of the terms of letters patent to order costs, which they were unable to do under the present law. Another imposed a penalty for the unauthorized use of the word "patent"; and a further clause enabled a patentee to maintain an action for an infringement of his patent, although the specifications might embrace more than that of which such patentee was the true or first inventor or discoverer. Clause 14 would take away from the Crown the right to use a patent, except on terms which might be agreed upon or be settled by arbitration. In this country, where so many public works were carried on by the Government, it was a regular wet blanket to inventors for the Crown to be able to take advantage of patents without any consideration, and the alteration now provided for, following the Imperial law on the subject, would place the Crown on the same footing as the public in such matters. Clause 15 abolished the proceeding by seire facias to revoke a patent, and required that the revocation should be obtained by petition to the Supreme Court. Clause 16 gave the Judge before whom an action for an infringement of a patent was heard, the power to call an assessor to his aid. This was a valuable provision, because it was important that, in matters involving highly technical knowledge, the Judge should have the assistance of an expert. Clause 21 provided that a patent might be granted to the representatives of a deceased inventor within six months of his death. This was necessary to meet the cases of men who might go to their graves, owing to the anxiety they were subjected to when perfecting inventions. There had been such cases, and the families of the inventors had gained nothing whatever from the inventions. Clause 22 provided that the exhibition of an invention at an industrial or international exhibition should not prejudice the patent rights of the inventor; and clause 23 empowered the Governor in Council to make regulations with regard to the licensing of patent agents. He had now stated the effect of most of the provisions of the Bill, reserving, however, to the last the information as to what might be regarded as the most important provision of the measure. He referred to the scale of fees. The Bill proposed to materially reduce the fees for letters patent. At present the fees amounted to £42, which did not include the expenses which an applicant had to go to in proving his case, but which was simply the amount paid into the revenue. Under the Bill, the fees would be reduced from £42 to £9 2s. (Mr. Bowman—"That is too much.") It was less than was charged in any other country in the world. The fees charged in the other colonies were—New South Wales, £20; New Zealand, £9 10s.; Queensland, £20; South Australia, £11; Tasmania, £4 2s.; Western Australia, £50, or £25 for registration of a patent granted elsewhere. In other countries the charges were—Austria, £92; Belgium, £84; Canada, £12; France, £36; Germany, £264; Great Britain, £134; India, £10; Italy £60; Russia, from £15 to

Mr. Kiefert.
Claims frequently arose out of one patent, and the fee was £7 on each claim. So that, in the matter of patent fees, Victoria Spairl, £84.

As to the fees chargeable to intending patentees, the proposed reduction in their amount would unquestionably be a boon. Some honorable members appeared to be of opinion that the reduction might be carried further, but he (Mr. Wrixon) did not think that the working population of the colony were so poverty-stricken as to need anything of the kind. It would assuredly be felt by them as amply sufficient if the Victorian scale of patent fees was rendered practically the lowest in the world. What working man, with an invention to patent, was likely to be unable to afford a maximum cost of £8 or £9? (Mr. Kerferd—"The payment of more than half of the amount extends over a period of seven years.")

Surely then there was no occasion to make the scale lower. Comprehensive and excellent as the Bill undoubtedly was, it was nevertheless possible to suggest an improvement in it, and he would urge the Government to consider the propriety of amending it so as to remedy a decided defect in the existing law which enabled a person patenting an improvement more or less slight upon an invention already patented to secure patent rights over the whole affair. Perhaps the best plan would be to adopt the American system, under which, when a person patented an improvement, he secured protection with respect to that improvement only. (Mr. Kerferd—"It is the same here.") If that was the case, the fact was by no means generally known, for many Victorian inventors bitterly complained of their rights being stolen from them by mere improvers of their inventions.

Mr. Bowman considered, while heartily approving of the Bill, that a further reduction of the fees chargeable with respect to patents ought to be proposed. He thought that the American scale should be adopted, and that £2 2s. should be the maximum charge for what was known as a single claim. He was informed that in America a complete patent could be obtained for considerably less than £9. In no case ought there to be the smallest attempt to raise revenue from inventors.

Mr. Baker remarked that he had recently gained some experience about inventions, and he was in consequence personally delighted with the Bill, being convinced that the effect of carrying it into law would
be to remove a standing grievance, and also to greatly improve the implements and machinery used in agricultural and manufacturing pursuits. At present many men were being robbed of their inventions. Only that day he saw displayed at the Exhibition—building an invention in which he was interested bearing the name of some one else. The reduction of patent fees from £42 to £8 or £9 would be a grand thing, but he could not help wishing for a further reduction, say to £2 10s. However, he was prepared to take what he could get and be thankful.

Mr. BOSISTO stated that there was a great deal in the suggestion of the honorable member for Portland with respect to the possible improvement of the Bill, and he hoped the honorable member’s remarks would meet with attention. Indeed, he could say, from his own experience of patents in other countries, that frequently the discovery of some slight addition, such as a spring or a screw, had enabled a person to secure to himself the whole benefit of an invention which he had merely improved; and if such acts of practical piracy were specifically prohibited, inventors would gain a sense of security which would be most encouraging to them. Again, the clause providing for inventions patented in other countries being patented in this colony was not so clear or so liberal as it ought to be. For example, to name twelve months as the time within which such an invention must be patented in Victoria was to fix upon an interval altogether too short, because many foreign inventors were bound to be ignorant of the law here, and on that account it would be unfair to render them liable to have their inventions pirated simply because they were a little behindhand in making their applications. For the rest, he (Mr. Bosisto) begged to heartily congratulate the Government upon their measure, the carrying of which would necessarily simplify and improve the Victorian patent law to a very striking degree. To lower the scale of patent fees to sums within the means of even the poorer class of artisans, and to make it easy for inventors of every sort to secure the reward of their ingenuity, could not but tend to strongly stimulate their inventive efforts, and so provoke a further exercise of their creative faculties. Moreover, it was to be noticed that not only would the cost of obtaining a patent be reduced to the smallest sum compatible with the effective working of the patent system, but the way of going to work in the business would be rendered perfectly plain, and wholly free from the formalities and vexatious surroundings of the old law. At the same time there was one omission in the Bill, namely, that experts called in by the Attorney-General in administering the Act would not be entitled to payment for their trouble, although due provision for fees for them was made with respect to any appearances they might make in the Supreme Court. (Mr. Kerferd—“Proper provision is made in both cases.”) He was afraid not. However, he would no longer dwell on points which would more properly arise when the Bill was in committee. To the measure as a whole he would give the strongest support he could, at the same time hoping that legislation of a not wholly dissimilar character would shortly follow in other directions. In saying this he had principally in his mind the Bill for the establishment of colleges of agriculture. That was the kind of legislation the colony most required in order that its youths might be enabled to develop their minds and acquire the means of improving not only their own positions but that of the country.

Mr. LAURENS observed that he could not let the Bill pass its second reading without expressing the pleasure with which he regarded its provisions. Ingenuity was, fortunately, not confined to the well-to-do classes, and therefore it was all important that every encouragement and facility should be afforded to inventiveness among the poorer classes, who would probably be otherwise unable to protect their own inventions.

Mr. COOPER asked the Attorney-General if he could include in his Bill some simple provision enabling an inventor who had only partially perfected his invention to register it for, say, twelve months on the payment of a small fee? Security of that kind would often tend to the speedier development of an invention, especially when the inventor was a poor man, and so be advantageous to the public interest. Such a system he (Mr. Cooper) believed was adopted in England. It could also be beneficially applied with respect to particular patterns, either devised in the colony or elsewhere, and in that case it would stimulate manufacturers, by assuring them of at least twelve months’ protection, to surround themselves with the very latest discoveries or inventions in connexion with their business.

Mr. NIMMO begged to compliment the Attorney-General upon his measure, which he (Mr. Nimmo) believed was calculated to
do great good to the colony. He knew many clever men who were anxious to bring out certain improvements in different branches of industry, but who were at present prevented from patenting them because the process was so expensive. Especially would the operation of the Bill be advantageous to the Victorian youth, who were the equal in mental and physical qualifications, and particularly in inventiveness, to the youth of any other country in the world.

Mr. GRAVES stated that he was greatly pleased to find that the Attorney-General had fulfilled a promise which had been made in nearly every Governor's speech Parliament had heard for many years past, but which had hitherto remained a dead letter. There was, however, a defect in the Bill to which it was important some attention should be given. He considered it most undesirable that the Bill should allow an appeal to lie from the decision of the Attorney-General to that of the Judges, who were virtually officers of his department. Of course, it was possible for the Attorney-General to give a wrong decision, but the fault should be cured in another way. For instance, in England the Board of Trade appointed a "controller of patents," whose business it was to deal with all claims in connexion with patents. Another matter with respect to which the Bill might well make some provision would be best described by stating the particulars of a certain case. Some time since, a farmer in Delatite purchased from Lasseter and Co., of Sydney, an American patent pump, which he used for several years with advantage to himself. At the end of that period, however, he was ordered by a colonial firm, who had bought the patent of the pump, to refrain from using it, and, because he refused to do so, he was sued, and already the primary court had given heavy charges on the schedule of patent fees had been reduced pro rata, the fee "to the Law officer for any appointment or on the hearing of objections" had only been cut down from £2 4s. to £2 2s., whereas it should have been made at the utmost only £1 1s. When the Bill was in committee, he would endeavour to remedy the incongruity.

Mr. GAUNSON observed that, if the Attorney-General did not hear and decide claims in connexion with patents, somebody else would have to do so, and that somebody else must be paid. At the same time, he (Mr. Gaunson) thought there ought to be some reduction of the fees in another quarter, and when the Bill was in committee he would ask the Attorney-General to strike out the fee "at or before the expiration of the third year, £2 10s." He would also seek to get the legal fees in connexion with patents reduced to a minimum, because he considered that charges of that sort were those a struggling inventor could least afford to meet.

The motion was agreed to.

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

Formal amendments were made in clause 2.

On clause 21, allowing application to be made for a patent within six months after the death of the inventor,

Mr. LANGDON stated that a correspondent had suggested to him that the period should be extended to twelve months.

Mr. KERFERD said he would make a note of the suggestion.

On clause 23, empowering the Governor in Council to make regulations for the issue of licences to patent agents,

Mr. LANGDON observed that the correspondent to whom he had previously alluded also suggested that, as the fees would fall on the inventor, everything possible should be done to assist the inventor to make his own specifications.

On clause 25, providing for the payment of the fees in obtaining patents set out in the 4th schedule,

Mr. W. MADDEN considered that the fee of £2 10s. "at or before the expiration of the third year," and the fee of £2 10s. "at or before the expiration of the seventh year," ought to be struck out of the 4th schedule. If those two fees were struck out, patents could be obtained for less than £5. Although the fees might be lower than in any other part of the world, he thought this was a matter in which the colony might set an example, by making patents obtainable for a merely nominal sum.

Mr. KERFERD said he would make a note of the matter, with the view of ascertaining what would be the effect on the revenue of the suggestion.

On the 4th schedule, containing the list of fees chargeable in connexion with patents,

Mr. GAUNSON suggested that the amount of the fee "to the Law officer for any appointment or on the hearing of objections" should be £3 5s. 6d. instead of £2 2s., as proposed.
Mr. BENT moved that the amount of the fee be reduced by £1Is. He understood that the fee was paid to the Attorney-General. A good many of these applications only lasted five minutes, and a guinea was quite enough to charge.

Mr. BOSISTO said he thought £2 2s. was not too much. Sometimes six hours and more were required to go through specifications.

The committee divided on the amendment—

Ayes ... ... ... 7
Noes ... ... ... 33

Majority against the reduction ... 26

Mr. BENT intimated that, upon the consideration of the report, he would feel it his duty to test the feeling of the House as to whether this fee should be paid at all.

Mr. BENT intimated that, upon the consideration of the report, he would feel it his duty to test the feeling of the House as to whether this fee should be paid at all.

Mr. GRAVES observed that he was informed that it was not competent for him now to move that the item be struck out, but he objected, on principle, to the payment of a fee to the Attorney-General at all—of course, he did not refer personally to the present holder of the office. He was informed that the Attorney-General's emoluments from this source amounted to £600 per annum. In no other department did a Minister who had to hear cases receive any fees beyond the amount provided for his salary, and he thought it was unjustifiable for a responsible Minister to receive fees.

Mr. BENT intimated that, upon the consideration of the report, he would feel it his duty to test the feeling of the House as to whether this fee should be paid at all.

Mr. KERFERD stated, with respect to the remarks of the honorable member for Delatite, that the honorable member was in error if he supposed that this was the only case in which an Attorney-General was paid a fee. In England, the Attorney-General was paid a fee for every professional work he did, including the writing of an opinion for the department. In this colony, the Attorney-General did all that work without any additional payment. (Mr. Graves—"I was not aware that the Officials in Parliament Act was in force in England.") Then the honorable member would be surprised to learn that it was founded upon an English Act of Parliament.

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

LOCAL GOVERNMENT ACT FURTHER AMENDMENT BILL.

Mr. KERFERD moved the second reading of the Bill. He remarked that the Bill contained five clauses, and was designed to cure some defects which had been experienced by municipal councils in the working of the Local Government Act. The first was that, owing to the construction of certain sections of the Act, a local body which had borrowed a less amount than it was empowered by the Act to borrow was precluded from obtaining a second loan to make up the amount. That was not the intention of the Legislature, and the Bill would remedy this defect. In the next place, the Bill empowered municipalities to invest their sinking fund in the repurchase of their own debentures. At present, municipalities were compelled to buy Victorian Government debentures, and they thus lost a certain amount of interest which they would save by being enabled to re-buy their own debentures, which bore a higher rate of interest. Another point was one which had arisen in connexion with the Kyneton shire, and he believed the case of that shire was typical of some others. Under the Local Government Act, an estimate had to be prepared for any public work and the loan raised upon that estimate. In the case to which he alluded, however, the cost of the work had far exceeded the amount originally contemplated, and unless the shire was enabled to borrow after the partial performance of the contract, as the clause proposed, its finances would be seriously crippled. It would be remembered that a number of years ago a serious flood swept away bridges all over the country—to such an extent, indeed, that the municipalities had to come to Parliament for a special vote. In an emergency of that kind it was absolutely essential that a shire should be able to at once proceed to make good the means of communication before it could take the necessary steps and go through the necessary formalities to lay the basis on which to borrow money, as provided in the Local Government Act. He believed the clause in
the Bill was so framed that, while protecting the interests of the ratepayers, it would save local councils from the necessity for going to the banks by enabling them to raise a loan in a straightforward manner. Of course, the Bill did not pretend to cure all the defects in the Local Government Act, but these were urgent matters, and he hoped the House would come to the rescue of the municipalities by agreeing to the measure.

The motion was agreed to.

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

On clause 5, enabling a municipal council to borrow after the partial performance of a contract for the purpose of completing payment of contractor,

Mr. BENT stated that it was the intention of the Brighton Council to construct a steel tramway, but they had grave doubts whether, under the Local Government Act, they had power to borrow for the purpose of making this steel way. Perhaps the Bill could be made to assist them in the matter. Another amendment which was desirable was in connexion with certain questions as to rent which a valuer was empowered to ask under the 16th schedule to the Local Government Act. The questions were of no use to an experienced valuer, while they were regarded as very dictatorial.

Mr. KERFERD said he would make a note of the points mentioned by the honorable member for Brighton.

Mr. LAURENS asked whether, in borrowing under this clause, a council would have to go through all the forms in connexion with borrowing prescribed in the principal Act? (Mr. Kerferd—"No.") He thought that if those forms were intended to be obviated in procuring the balance of the money, the language of the clause was not adequate to carry out that intention.

Mr. KERFERD remarked that he would inquire into the matter.

The whole of the clauses having been passed,

Mr. DEAKIN proposed the following new clause:-

"The council of any municipality interested in the construction of the bridge across the river Yarra, in line with Swanston-street, or in any works for the improvement of the channel of the said river, may, in the name and on behalf of the municipality, make a contract with the Board of Land and Works for the payment of a sum of money, mutually agreed upon by such council and the said Board of Land and Works as a contribution by such council towards the cost of the erection and maintenance of the said bridge and carrying out of such works, notwithstanding that the site of any portion of the said bridge or of such works is not within the municipal district of such council, and may carry out such contract according to the tenor thereof."

He observed that the object of the clause was to remove doubts which existed on the part of municipalities as to their capacity to enter into an agreement with the Government with respect to the construction of the new bridge over the Yarra in a line with Swanston-street. The clause imposed no obligation whatever, but simply conferred powers on the municipalities if they chose to exercise them.

Mr. BENT suggested that the scope of the clause should be extended, so as to enable municipal councils to contribute to the expense of any works in which they were directly interested outside the district under their jurisdiction. Some municipal bodies were going in for making steel tramways instead of macadamized roads, and in some cases the tramways would extend through more than one district. For instance, the tramway to which he had already alluded would go through the borough of Brighton for two miles and a half, and for four or five miles beyond, in the shire of Moorabbin, and more traffic to and from Moorabbin would pass over the Brighton portion of the tramway than local traffic.

Mr. DEAKIN said there was a clause in the Local Government Act which enabled local bodies, on obtaining an order from the Governor in Council, to expend money outside their own boundaries.

Mr. LAURENS stated that he had given notice of his intention to propose certain new clauses with reference to closed roads, but, as the question was a very complicated one, he would not attempt to proceed with the clauses. He would content himself by proposing, on a future evening, a declaratory resolution, standing on the notice-paper in his name, as to the legislation which he thought ought to be introduced on the subject of closed roads.

The clause was agreed to.

The preamble having been adopted, the Bill was reported with amendments.

ASSURANCE FUND PAYMENT BILL

Mr. KERFERD moved the second reading of this Bill.

The motion was agreed to, and the Bill was read a second time, and committed.

Discussion took place on the 1st and only clause, which was as follows:-

"The sum of £1,585 10s. shall be payable out of the assurance fund established under the Transfer of Land Statute to Emma Oakden, Thomas..."
Gorringe, and Henry Jennings, in the same manner in all respects as though this Act had been a judgment of the Supreme Court, certified to by a Judge of the said court."

Mr. M. H. DAVIES asked the Attorney-General whether it would not be desirable to bring forward, at an early date, a general Bill to enable any valid claims against the assurance fund to be paid out of the fund?

Mr. KERFERD said that if the assurance fund was not well guarded it would disappear like snow off a dyke.

Mr. ZOX concurred with the suggestion of the honorable member for St. Kilda (Mr. Davies).

Mr. BOSISTO also expressed the opinion that some general law should be passed. He knew of an instance in which one of his own constituents had suffered very serious loss in consequence of an error made in the Titles-office, and he had not yet been able to get the matter set right. There ought to be some general Act to enable compensation to be paid out of the fund set apart for that purpose in all cases where loss was occasioned by an error of the Titles-office.

Mr. KERFERD stated that under the Transfer of Land Statute provision was made for payment out of the assurance fund in every reasonable case. (Mr. M. H. Davies—"Then why is a special Act required in this case?") Because the Supreme Court had decided that it did not come within the law. There was ample provision in the existing Statute to meet the general run of cases; but it was absolutely essential that the fund should be well guarded.

The Bill, having been gone through, was reported without amendment.

BANKING COMPANIES LAW.

The House having gone into committee, Mr. SERVICE moved—

"That it is expedient to amend the law relating to banking companies, and for other purposes."

The resolution was agreed to, and was reported to the House.

WORKROOMS AND FACTORIES LAW AMENDMENT BILL.

The resolutions affirming the expediency of introducing a Bill relating to workrooms and factories, and of imposing certain registration fees (passed in committee the previous day), were considered and adopted.

Authority being given to Mr. Deakin and Mr. Kerferd to introduce a Bill to carry out the resolution,

Mr. DEAKIN brought up a Bill "to amend the law relating to the supervision and regulation of workrooms and factories, to provide for the early closing of shops, and for other purposes," and moved that it be read a first time.

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

MINING ACCIDENTS FUND BILL.

On the order of the day for the second reading of this Bill, The SPEAKER said—In my opinion this is a private Bill, as it proposes to invest private funds in a body of trustees.

Mr. ZOX asked if the Speaker ruled that the Bill was informally before the House?

The SPEAKER.—I informed the honorable member some time ago, privately, that in my opinion the Bill should be introduced as a private Bill, and had, therefore, not been properly introduced, and I am still of that opinion.

Mr. KERFERD said the measure did not fall within what was popularly understood to be a private Bill. It was not promoted in the interest of any individual, but its object was to establish a corporate body to dispense a public charity—a fund raised by public subscription. The fund was collected for the purpose of relieving the victims of an extraordinary disaster.

The SPEAKER.—And this Bill proposes to divert the fund from that purpose to another.

Mr. KERFERD remarked that, after the Speaker's ruling, the best course for the honorable member for East Melbourne (Mr. Zox) to take would be to give notice of motion that the Bill be treated as a public Bill. There were substantial reasons why it should be dealt with as a public measure.

Mr. COOPER observed that the fund in question was raised for the relief of the sufferers by the terrible mining disaster which occurred at Creswick some time ago. A considerable amount was raised in the Creswick district, and large sums were contributed by other localities. All the various local committees had agreed that the scheme proposed by the Bill was the best way of benefiting the persons for whom the money was intended.

The SPEAKER.—No private arrangement can affect the rules of Parliament. I repeat that, in my opinion, this is a private Bill.

Mr. COOPER said the Speaker seemed to some extent to have been influenced by the impression that the Bill proposed to divert money which had been raised for one
purpose to another purpose. He (Mr. Cooper) therefore wished to assure the House that such was not the object of the Bill.

Mr. SERVICE said the Speaker’s ruling was no doubt absolutely correct; but, although the measure might be technically a private Bill, substantially it was a public Bill. After the Speaker’s ruling, however, the proper course would be for the honorable member for East Melbourne (Mr. Zox) to adopt the Attorney-General’s suggestion, and give notice of motion for the Bill to be treated as a public Bill.

Mr. BENT considered that the Speaker was perfectly correct. The object of the Bill was to divert a large sum of money from the purpose for which it was collected, and make it the nucleus of another fund altogether. If the Government wished to get a measure passed for the establishment of a fund for the relief of sufferers by mining accidents, they should do so in a straightforward way, and not by supporting a Bill which was intended to divert money collected for the benefit of the sufferers by the Creswick disaster to a different purpose. He would do all that he could to oppose the Bill.

Mr. ZOX said he would give notice of motion that the Bill be treated as a public Bill. The statement of the honorable member for Brighton, that the Bill was intended to divert the Creswick relief fund to a different purpose from that for which it was raised, had no foundation in fact.

The order of the day was postponed until the following Tuesday.

The House adjourned at a quarter to nine o’clock, until Tuesday, November 18.

LEGISLATIVE COUNCIL.

Tuesday, November 18, 1884.

The Queen v. Hunt—Assent to Bills—The Premier and Mr. Cuthbert—Sessional Arrangements: Friday Sittings—Land Bill—Assurance Fund Payment Bill—Residence Areas Act Amendment Bill—Substantive General Law Consolidation Bill.

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

THE QUEEN v. HUNT.

The President announced that the Clerk of the Council had been served with a subpoena requiring him to attend at the Talbot Police Court, on Tuesday, 25th November, to give evidence and produce documents relating to the prosecution of one James Hunt, for illegal voting at the late Wellington Province election.

The Hon. F. T. SARGOOD moved—

"That the Clerk or some other officer of the Council have leave to attend at the police court at Talbot, and produce the documents set forth in the subpoena."

The motion was agreed to.

ASSENT TO BILLS.

Mr. SARGOOD presented a message from the Governor, intimating that, at Government House, on the 12th November, His Excellency gave his assent to the Zoological and Acclimatisation Society’s Incorporation Bill and the Mallee Pastoral Leases Act Amendment Bill.

PETITION.

A petition was presented by the Hon. J. BALFOUR, from inhabitants of Mornington, in favour of an extension of the Frankston Railway to Mornington.

THE PREMIER AND MR. CUTHBERT.

The Hon. H. CUTHBERT said—Mr. President, last Wednesday I was requested by Mr. Sargood to produce a particular letter, written by the Premier to me, in connexion with the late election for the Wellington Province, and I consented to do so, if I was assured that it was the wish of the Premier that the communication should be made public. Such an assurance I have since received. The need on my part for producing the letter arises from the fact that the statement I made to the House as to the position taken up by the Government with respect to the election has been doubted. It has been more than doubted, it has been impugned. If what Mr. Sargood asserted on Wednesday evening is correctly reported, he then treated me with by no means the courtesy he usually displays towards honorable members of this Chamber, for he is represented as having declared not only that my statement was incorrect, but that I knew it was incorrect. I appeal to honorable members who have known my career in the Council during the last ten years to say if I have ever been guilty of making a statement which I know to be incorrect. In the Ballarat Courier, a newspaper representing the liberal party in my district, of the 13th August last, the following paragraph appeared:

"Mr. Long’s address to the electors of the Wellington Province will be found in our advertising.
columns this morning. It will be seen that Mr. Long deals with the mining on private property question and the land question in an equitable style, and in such a spirit as should give satisfaction to all persons interested in those subjects. Mr. Long has the support of the Government.

I read that with surprise and astonishment, because I could scarcely believe that an old friend and former colleague like the Premier would give his support to a comparative stranger as against me. In fact, I regarded the assertion of the Courier as made without foundation, and I telegraphed at once to the Premier, asking him if it was true that the Cabinet was supporting Mr. James Long in opposition to myself. It was, of course, of the utmost importance to me that whatever the reply was—whether it was "Yes" or "No"—it should be promptly made; but it was the 2nd September before I received it in the shape of a letter written by Mr. Service, although not signed by him. Before I read that letter, let me remind honorable members of the remarks I made in this Chamber on the 28th October, which are correctly reported in Hansard to the following effect:

"He (Mr. Cuthbert) represented the same province as the Postmaster-General, namely, the Wellington Province, in which were some of the most important gold-fields in the whole colony, but because this session he adopted precisely the same course on the question of legalising existing agreements for mining on private property that his honorable colleague did twelve months ago, a Ministerial candidate was brought out against him when he went before his constituents for re-election the other day. (Mr. Sargood—"I assure the honorable member that is not the fact.") He did not say that the Minister of Defence had anything to do with the matter. Hon. H. Cuthbert—"I am that gentleman was pleased that he (Mr. Cuthbert) was again returned to the House, but, before the election took place, he had an intimation that the Government would not give him their support. He had not asked them for their support, but when another gentleman was brought out against him, and was announced as the Ministerial candidate, he asked the Premier if it was true that the Government had promised to support that gentleman. The answer which he received was that the Government could not give him (Mr. Cuthbert) their support."

The reply of the Premier to my telegram was as follows:

"Premier's Office, Melbourne, Sept. 1, 1884.

"My dear Cuthbert,—Your telegram of Saturday duly reached me. The position of the Government is this:

"You have been the principal opponent of a measure which the Government regard as of primary importance, and, of course, if it returned again, you would not doubt carry out your views of that measure as far as you could.

"It would, therefore, inconsistent for the Government to profess their anxiety to pass the Mining on Private Property Bill, and yet support a candidate who is avowedly a determined opponent of that measure.

Hon. H. Cuthbert.

"Feeling this, the Government most reluctantly arrived at the conclusion that they could not support you on this occasion.

"I think we all came to this conclusion with much regret, and I may say that the Government have taken no active part in the election."

Mr. SARGOOD.—Hear, hear.

Mr. CUTHBERT.—I never said the Government took an active part in the election; I never charged either the Premier or the Chief Secretary with going upon the platform against me and in favour of my opponent. But if the Premier had given me the assurance I wanted, to wit, that the Government had not promised their support to Mr. Long, and let me have the information in time, I could have contradicted the Courier paragraph while the election contest was going on, whereas, as matters stood, I was unable to do so. As to the Mining on Private Property Bill, what had I done? I had supported the Bill, only differing from Ministers on two points, first, as to protecting a man's homestead, and, secondly, as to doing what in 1877 the Premier himself was anxious to do, namely, to pay respect to agreements between miners and landowners that had been entered into in good faith. No one is more pleased than I am that the Bill has passed both Houses, but I nevertheless bear in mind that very great credit is due to the Council in the matter, and that the measure as it stands is little more than a copy of the Bill that emanated from this Chamber in 1878. In fact, I regard the Bill as almost wholly the Bill of the Council. I never opposed the Bill, but, because I criticised it, the Government could not, it seems, see their way to give me a support on their part which I never solicited. Then I ask honorable members to note the nature of the Premier's communication? It is a diplomatic answer in writing to a telegram, and it was written by a gentleman well capable of studying beforehand the nature of the reply he intended to make. Moreover, it came to me after a delay that prevented me from using it effectively during the election. What, also, am I to think of the fact that, while the contest was going on, Ballarat was visited by the Government "whip," and that he was met at the Ballarat East station, not only by my opponent, Mr. Long, but also by two of the most prominent among the local gentlemen who had mounted the rostrum against me, namely, Mr. James and Mr. Russell, the members for Ballarat East in another place? How did those gentlemen know Mr. Hall was coming to Ballarat, and by a particular train? Will Mr.
Sargood assure me that that gentleman did not visit Ballarat at the instigation of the Government?

Mr. SARGOOD.—I will.

Mr. CUTHBERT.—I know nothing of what took place at the meeting at the station, but it did not look like a meeting by mere chance. Indeed, I think I may remark, in view of the confidential relations existing between Mr. Hall and the Government, that the affair had what may fairly be called a suspicious complexion. Particularly may I state that, when I find the newspaper that enjoys the confidence of the liberal portion of the Government asserting, as it did on Friday last, that it was in consequence of certain questions being put to the Government by their supporters that the weight of their assistance was promised to Mr. Long. In conclusion, I will say first, that my not receiving from the Premier an early and straightforward reply to the effect that the Government were not giving their countenance to my opponent was an important factor in the election; and, secondly, that I hope honorable members will do me the justice of believing that, when I made the statement Mr. Sargood contradicted, I was convinced I was only uttering that which was absolutely correct.

The Hon. F. T. SARGOOD.—Sir, I will, in the first place, express my regret that anything I may have formerly said on the spur of the moment conveyed the impression that I believed Mr. Cuthbert had stated something which he knew to be incorrect. When I was replying to the honorable member I had in my mind's eye the letter he had just read, and upon which I place a construction different from that which the honorable member places on it. The cause of the delay that took place in answering the honorable member's telegram was that, before his communication could be responded to, it had to be submitted to the Cabinet, and, as is well known, Cabinet meetings are not held every day. The letter the honorable member received was written by the Premier in the Cabinet, and it was intended to have been fairly copied, but, owing to some circumstance arising, the draft only was forwarded, which accounts for it having no signature.

What the honorable member said in the House was that a Ministerial candidate was brought out against him, which could only mean that the Ministry had brought forward, and were supporting, the honorable member's opponent; whereas he had been informed previously by the Premier that, although the Government could not support him, they were not taking an active part in the election. It was utterly impossible for the Government to bring out a Ministerial candidate and not give him an active support. I will also assure Mr. Cuthbert that the words of the letter he received were not intended to weigh so nicely as he seems to think they do. They were simply intended to convey what they plainly convey, and what I still believe to be their only true meaning.

Mr. CUTHBERT.—I wish the letter had distinctly answered my question.

Mr. SARGOOD.—I regard the letter as affording a complete answer. As I have already intimated, Ministers had nothing to do with the visit of the Government "whip" to Ballarat at the time of the election. This is the first time I ever heard of the visit being made.

Mr. CUTHBERT.—Then Mr. Hall did not come up with the consent of the Ministry?

Mr. SARGOOD.—Not in the slightest degree. Now that I know the interpretation Mr. Cuthbert placed upon the letter, and upon the delay that took place with respect to answering it, and also upon Mr. Hall's visit to Ballarat, I can understand something of what prompted him to assert that a Ministerial candidate was brought out against him. Such was not, however, the case. I repeat that I do not think, and never have thought, it possible for Mr. Cuthbert to be guilty of saying that which he knew at the time to be incorrect. The subject then dropped.

DAYS OF SITTING.

The Hon. F. T. SARGOOD moved—

"1. That the sessional order appointing the days on which the Council shall meet for the despatch of business be read and rescinded.

"2. That, during the remainder of the session, Tuesday, Wednesday, Thursday, and Friday in each week be the days on which the Council shall meet for despatch of business, and that half-past four o'clock be the hour of meeting on each day."

He begged honorable members to recollect that the session was drawing to a close, that they had still several important measures, such as the Land and Railway Bills, to deal with; and that, besides, a number of smaller measures would soon come before them. At the same time, even if the motion was carried, he would not ask honorable members to sit on Fridays unless it was absolutely necessary that they should do so.

The Hon. P. RUSSELL said it would be more convenient to country members that
the House should meet at two o'clock p.m. on its ordinary days of sitting than that it should sit on Fridays.

The Hon. H. CUTHBERT observed that the House sitting on Friday would make it necessary for country members to return to their homes on Saturday, which would be harassing. Moreover, it would probably lead to important business being done in a thin House. Upon the whole, it would be preferable, if it was requisite that the House should sit extra hours, that it should simply meet at two o'clock in the afternoon instead of at four o'clock. He would suggest that the proposition should be postponed until it could be seen whether there was any real need for any motion of the kind.

The Hon. W. E. HEARN stated that, if actual necessity arose, he would always do his best to be in his place, no matter when the House sat, but, as a rule, it would be impossible for him to attend on Friday except at great inconvenience to himself. He considered that the House had hitherto worked well during the session, and that honorable members should not be pressed to do business hurriedly.

The Hon. J. GRAHAM thought Mr. Sargood would do well to adopt Mr. Russell's suggestion.

The Hon. J. MACBAIN expressed the opinion that, if honorable members made up their minds to do the work before them, they could accomplish all that was necessary by sitting only three days a week. They ought also to determine that they would not be coerced by the other branch of the Legislature. Why had Government delayed so many important measures until the last moment, and so placed honorable members of the Council in the position that they must either do their work hurriedly or run the risk of blame from their constituents? He, for one, saw no reason why the Upper House should sit only to register the decrees of another place, and also meet the peculiar idiosyncrasies of the Government. Inasmuch as the Government had clearly shirked their duty in not bringing forward their measures properly, he would suggest that Mr. Sargood should postpone his motion until it was seen to be one that it was necessary to carry. For himself, he was thoroughly opposed to two o'clock sittings.

The Hon. C. J. JENNER remarked that, when Mr. MacBain assisted to represent the late Government in the Council, he was always most anxious for honorable members to pass the Ministerial measures before them. As for Mr. Sargood's motion, it was a most proper one, considering the way in which business was always pressed towards the end of the session.

The Hon. W. A. ZEAL observed that the Assembly had never, or at least not for many years past, been asked to sit four days a week. What was there to prevent the Government from having had the Land Bill under the consideration of the Council six weeks before it was submitted to them? The same remark applied to the Railway Bill, which authorized the largest amount of railway construction ever proposed in the colony, and yet which the Council were expected to deal with in a couple of weeks. He would suggest that, if the Government wished these measures to be properly considered on their merits, they should have a short adjournment, and call the House together again after Christmas. A similar course had just been taken in the Imperial Parliament.

Mr. SARGOOD said it would probably meet the wishes of the House if the motion were postponed for a week. The motion was then postponed until Tuesday, November 25.

LAND BILL.

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

On clause 96, empowering the Governor in Council to proclaim commons,

The Hon. J. BELL suggested that power should be taken under the regulations in connexion with the proclamation of commons to extend the radius within which persons should be entitled to use commons from five to ten miles.

The Hon. F. T. SARGOOD stated that power existed under the regulations to extend the limit if necessary.

On clause 97, enabling the Governor in Council to appoint managers and frame regulations for the management of commons, and, inter alia, for "the eradication of thistles and destruction of vermin therefrom,"

Mr. SARGOOD moved the insertion of the words "Bathurst burr" after "thistles."

The amendment was agreed to.

The Hon. W. A. ZEAL suggested that the Minister of Defence should also consider the advisability of including "sweet briar." In Tasmania and New Zealand this plant was a greater nuisance than either the thistle or Bathurst burr, and in this colony he had seen it overrun portions of the country.
Mr. BELL remarked that the proviso to the clause rendered it compulsory on all managers of commons to retire from office on the 31st December in each year. He could see no necessity for those managers of commons who were such ex officio as members of shire councils being compelled to retire every year. He could understand such a retirement being necessary if the managers were elected by the depasturers of cattle, but the previous clause provided that the appointment should be made by the Governor in Council.

Mr. SARGOOD said he would make a note of the point.

On clause 98, providing, inter alia, that managers of commons "shall be taken to be occupiers of the common within the meaning of any Act now or hereafter in force relating to the impounding of cattle,"

Mr. SARGOOD moved the insertion, after "cattle," of the words—"and shall be deemed to be owners within the meaning of the Rabbit Suppression Act 1880." He remarked that the object of the amendment was to remove a doubt as to whether managers of commons were in law "owners" under the Rabbit Suppression Act.

The amendment was agreed to.

On clause 105; imposing a penalty for unauthorized occupation or depasturing on Crown lands not commonage.

The Hon. T. F. CUMMING asked whether this clause would apply to persons grazing cattle on the roads of the colony?

Mr. SARGOOD stated that he was informed that the Supreme Court had recently decided that the fee-simple of the roads was vested in the Crown, and, that being the case, he thought they were certainly Crown lands within the meaning of the clause.

On clause 106, imposing a penalty for the unauthorized removal of timber, gravel, &c., from Crown lands, but providing that it should be lawful for any municipality, with the consent of the Minister, to authorize any officer or other person to remove from Crown lands, without feeror licence, material for forming or maintaining any public road, street, or bridge within the municipality.

The Hon. H. CUTHBERT stated that the proviso to the clause, which was not in the corresponding section of the Land Act 1869, had been inserted at the special request of various municipalities. The present system of compelling a licence to be taken out in all cases for the removal of gravel or timber from Crown lands was found exceedingly inconvenient by municipalities when requiring material for the construction of roads or bridges, and hence it was proposed that the Minister should be empowered to allow municipal officers to remove material for such works without a licence.

The Hon. D. C. STERRY expressed the opinion that it might be left wholly to the local council to authorize persons to remove material from Crown lands for the construction of roads and bridges without their having to obtain the consent of the Minister.

Mr. ZEAL thought it was not unreasonable to provide that the consent of the Minister should be obtained, seeing that the lands in question belonged to the Crown.

Discussion took place on clause 110, which was as follows:

"There shall be inserted in every lease of a pastoral allotment and in every lease of a grazing area a covenant that the lands demised under such leases are granted and held subject to a condition that the holder of a miner's right or of a mining lease shall have the right and shall be allowed by such lessee to enter upon such pastoral allotment or grazing area, as the case may be, and search for gold, and to mine therein, and to erect and occupy mining plant or machinery, without making compensation to the lessee thereof for surface or other damage."

Mr. CUTHBERT observed that this was a very important clause, as it gave the miner unrestricted power to enter any part of a pastoral allotment or grazing area, and, no matter what injury he might do, the occupier was entitled to receive no compensation. He thought this was going too far, because there was nothing to prevent the occupier of a grazing area cultivating a portion of it, apart from the 320 acres forming the agricultural allotment, and the holder of a miner's right, who might be a most dishonest person, might enter a man's garden or orchard and threaten to injure it under the pretence of mining, merely in order to levy blackmail.

The Hon. J. MACBAIN stated that, in view of the fact that the tendency of recent legislation has been to subordinate every other interest to that of mining, he thought it was hardly worth while for the Council to strain at the gnat after having swallowed the camel. Moreover, he would point out that, as the Government had consented to give a pre-emptive right to the extent of 320 acres to the holder of a pastoral allotment, on which he could erect his homestead, the miner would not be able to interfere with his garden or other cultivation, which would no doubt be on that portion of his holding.

The Hon. P. RUSSELL remarked that miners by entering on a pastoral allotment might do great injury by disturbing a flock of ewes and lambs, or a fattening flock of wethers. He thought that was a more
serious matter than entering on a cabbage garden, and he considered that there should be some compensation afforded when injury was done in such cases.

The Hon. J. A. WALLACE said that, under the existing Land Act, miners were entitled to enter upon pastoral lands without payment of compensation. The pastoral lands would, under this Bill, be cut up into grazing areas, and, if the miner was precluded from entering on a grazing area unless he paid compensation, mining would be shut out altogether.

The Hon. T. BROMELL remarked that many persons would take up a grazing area who would not be in a position to select an agricultural allotment out of it. If it was desired that the lessees of the 1,000-acre blocks should improve them, it would hardly do to allow any holder of a miner’s right to come in and destroy the improvements without paying any compensation. A lessee might have an orchard or a vineyard on his leasehold, and it was not reasonable that he should be afforded no protection in regard to such improvements.

Mr. CUTHBERT stated that, under the 18th section of the Mining Statute, Crown lands used as a yard, garden, cultivated field, &c., was exempted from occupation for mining purposes. This exemption had worked well in the past, and he thought a similar provis-ion should be inserted in this Bill. Was it reasonable to allow the holder of a miner’s right, which might be got for 5s.—perhaps a man just fresh from Pentridge—to come to the holder of a pastoral allotment or grazing area, and intimate his intention of mining under his house or in his garden without paying a farthing of compensation, and simply with the object of extorting money?

Mr. ZEAL suggested the addition to the clause of the following words:—

“Provided that such mining plant or machinery be properly fenced in before any work is commenced.”

He thought this would meet the objections to the clause, as it would tend to prevent any other than bona fide miners entering upon land by virtue of a miner’s right or mining lease.

Mr. STERRY expressed the hope that no attempt would be made to place restrictions in the way of miners entering upon pastoral or grazing areas. The clause ought to be passed without alteration.

The Hon. J. WILLIAMSON thought that the clause was inconsistent with clause 64, which provided for the resumption of land for mining purposes by the Governor in Council “on paying full compensation to the licensee, lessee, or purchaser in fee simple thereof, for the value other than auriferous of the lands and of the improvements so resumed.”

Mr. SARGOOD stated that clause 64 related only to land which was either alienated in fee simple or in process of becoming so, but clause 110 referred to land that was intended to be leased, and no portion of which would be liable to be alienated in fee.

The Hon. D. COUTTS supported the clause as it stood.

Mr. MACBAIN observed that the clause would not deprive any man of a vested right. The lessees would take up the land with a full knowledge of the fact that miners would be entitled to enter upon it without paying compensation. He did not see how those honorable members who approved of the Bill could reasonably object to the clause, because
practically the same principle was recognised in other clauses which had been passed. At the same time, he did not regard the principles of the measure as perfect; on the contrary, he stated on the second reading that he did not like them.

Mr. CUTHBERT stated that he would be satisfied if the honorable member in charge of the Bill would afford him an opportunity, at a subsequent stage, of moving the insertion of a clause similar to section 13 of the Mining Statute, so as to except from mining operations any portion of a pastoral allotment or a grazing area on which any house was erected, or any artificial dam or reservoir constructed, or which was cultivated as a garden or orchard. By clause 35 one of the covenants to be inserted in the lease of a grazing area was that the Governor in Council should have the right to resume possession of any of the land for mining purposes “upon payment to the lessee of the full value of all houses, fences, wells, reservoirs, tanks, dams, and of all substantial and permanent improvements made, erected, or constructed by such lessee on the land so resumed.” Why should a man who paid 5s. for a miner’s right have a power to destroy private property which was not possessed by the Governor in Council? If it was right that the Governor in Council should pay compensation for improvements when resuming possession of any land for mining purposes, surely it was right that a miner should pay compensation if he entered upon land on which there were such improvements as a house, a dam, or a reservoir.

The Hon. W. E. HEARN remarked that the persons who desired to take up land under the Bill had asked for bread, and the Government, with great liberality, proposed to give them a stone. It was proposed, in fact, that the lessee of a pastoral allotment or grazing area should hold his land just as long as it suited the convenience of any man who possessed a miner’s right. It was true that, as the Minister of Defence said, the lessees would take up the land with their eyes open, and, for that reason, it might be contended that they would have no ground for complaint; but, on the other hand, the clause amounted to the insertion of a covenant which was calculated to prevent the lessees making any profitable use of the land. The clause was also far in excess of what honorable members understood to be the object of the Government in putting it into the Bill, namely, that every description of land taken up under the measure should be open to the miner. Surely the miner should be required to pay for any improvements which he destroyed by mining upon the land, as was provided for in other cases. The suggestion made by Mr. Cuthbert was certainly one worthy of the attention of the committee.

Mr. WALLACE said he did not concur with Mr. Zeal’s suggestion. No man was likely to go to the expense of sinking a shaft or erecting mining machinery on any land unless he believed there was a probability of obtaining gold.

Mr. SARGOOD stated that the amendment suggested by Mr. Zeal appeared to be unnecessary, in view of the provision contained in clause 112 that the miner could enter upon land only in strict accordance with and subject to the meaning of the clause. The clause was agreed to.

On clause 114, authorizing the issue of grazing licences enabling the holders “to enter with cattle, sheep, or other animals upon any park lands, reserves, or other Crown lands not forming part of a common,” &c.,

Mr. CUMMING proposed the insertion, after “Crown lands,” of the words “not being roads.”

Mr. SARGOOD said he failed to see the necessity for the amendment. Roads were reserved and vested in the Crown, but the use of them belonged to the proprietors of lands abutting, and grazing licences over them could not be issued without infringing the rights of those persons.

The amendment was withdrawn.

Discussion took place on clause 115, which was as follows:

“The lessee and his assigns of a pastoral allotment or grazing area under this Act, and the licensee of an agricultural allotment under this Act, and his assigns and the person or persons in whom the interest or any part thereof of any such lessee or licensee may at any time under this Act become vested, and the purchaser of any land under any Act heretofore in force, shall have all the rights as against persons trespassing with any cattle, sheep, goats, or swine, but not against other mere trespassers which at law belong to the owner in possession of any land as against trespassers thereof, except the right of impounding such cattle, sheep, goats, or swine; and shall have the said last-mentioned right when and so soon as the pastoral allotment, grazing area, or agricultural allotment, or such part of the pastoral allotment, grazing area, or agricultural allotment as may be trespass upon has been enclosed, either alone or with any adjoining land in the occupation of the same person, with a substantial fence, but not before.”

Mr. CUTHBERT stated that he had some doubts as to the meaning of the clause. Why should the holders of land referred to have all the rights which belonged to the
owner in possession of any land as against persons trespassing with cattle, &c., but not against "other mere trespassers"?*

Mr. SARGOOD explained that the clause was substantially a copy of the 30th section of the Land Act 1869.

Dr. HEARN remarked that the negative words had clearly been inserted to limit the class of persons with whom the holders of land had to deal. They could not proceed against mere trespassers—persons who might accidentally get upon the land—as contradistinguished from wilful trespassers.

The Hon. J. BUCHANAN suggested that the clause should be withdrawn in order that it might be reconstructed in such a way that lawyers could understand it.

The Hon. F. ORMOND stated that the clause appeared to him to be clear and distinct enough. The object of it was that holders of the lands referred to should not have the right to impound until their land was fenced, though they would have the right to sue for damages for trespass. The arrangement was an excellent one, as he had found from experience; and he thought the clause should not be interfered with in any way.

Dr. HEARN called attention to the fact that the clause would apply to "the purchaser of any land under any Act heretofore in force," and expressed the opinion that these terms were very wide. The clause seemed to make provision for all properties. (Mr. Sargood—"It places all proprietors on the same footing.") But was that intended? (Mr. Sargood—"Yes.") He did not think it right, when dealing merely with Crown lands, to make a general provision as to impounding. Such a provision belonged purely to an Impounding Bill. He did not mean to say it was not proper to make such an arrangement as the clause provided for, but a Land Bill was not its natural place; it was not the place where any one would ordinarily look for it.

Mr. SARGOOD observed that as the provision had been law for over fourteen years, and as it had been found to work well, he saw no reason why it should not be perpetuated. He certainly must congratulate Mr. Ormond upon the clear way in which he had explained the scope of a clause that legal gentlemen seemed to think obscure.

Mr. ORMOND said he might add that the clause seemed to be framed entirely in the interests of the pastoral tenant. (Mr. Williamson—"No.") At all events, it was fair and equitable so far as the pastoral tenant was concerned, because the selector could not impound until his land was fenced.

Mr. WILLIAMSON stated that he did not see how the clause could be in the interests of the pastoral tenant when it allowed the lessee of a grazing area to sue for trespass, although the Bill did not compel him to fence under three years. How were stock to be kept separate, unless they were shepherded, if the grazing areas could remain unfenced for three years? In the absence of fences, the whole of the time of the new lessees would be taken up in squabbling with one another and suing one another.

Dr. HEARN remarked that there was a curious discrepancy between the first part and the latter part of the clause. The clause related to four classes of persons:—1, The lessee of a pastoral allotment or grazing area; 2, the licensee of an agricultural allotment; 3, the person or persons in whom the interest of any lessee or licensee might at any time become vested; and 4, the purchaser of any land under any Act heretofore in force. All these persons except the last would have the right to impound as soon as the lands they held were fenced. When would the purchaser of any land under any Act heretofore in force acquire the right to impound? Never. (Mr. Bell—"He will have the right under the Impounding Act.") The interjection showed that the words "and the purchaser of any land under any Act heretofore in force" ought not to be in the clause. In fact, there was an endeavour to do, under the clause, a great deal too much.

Mr. BROMELL moved the omission of the words "but not against other mere trespassers" (lines 10–11). He said it was by no means clearly to be seen to whom these words referred.

Mr. CUTHBERT supported the amendment. He thought no good cause had been shown why the words relating to "mere trespassers" should be retained. If any class of persons were allowed to trespass once they would naturally go on trespassing.

The Hon. D. MELVILLE remarked that the words Mr. Bromell wanted to strike out were intended to preserve the clear right of the public, who were surely not to be excluded from the whole face of the colony. The amendment was negatived.

Mr. SARGOOD proposed, in order to supply the omission Dr. Hearne had pointed out, the insertion after the word "allotment" (line 19) of the words "or of any land purchased under any Act heretofore in force." The amendment was agreed to.
On clause 123, providing that travelling stock might be depastured "for any period not exceeding twenty-four hours" upon any unsold Crown lands within a quarter of a mile from the road,

Mr. ZEAL moved the omission of the words quoted.

The amendment was agreed to.

Mr. ZEAL proposed the addition to the clause of the following words:—

"Provided that such cattle and sheep shall be driven every day towards the place of their destination the distance mentioned as hereinafter provided."

The amendment was agreed to.

Mr. CUMMING suggested that the clause should be postponed, in order that it might be ascertained whether a person intending to drive cattle along a boundary road should not also be required to give notice of his intention.

Mr. COUTTS expressed the opinion that the privileges allowed to travelling stock constituted one of the curses of the existing land system. The clause was postponed.

On clause 124, requiring every person intending to drive cattle or sheep "across the land" of any other person possessed of not less than 500 sheep, or through any common, to give twelve hours' notice of his intention,

The Hon. W. PEARSON considered that it was essential that the clause should define what was meant by the term "land"—whether leased or freehold land was referred to.

Mr. CUMMING proposed the insertion after "therein" of the following words:—

"Provided that such cattle and sheep shall be driven every day towards the place of their destination the distance mentioned as hereinafter provided."

The amendment was agreed to.

On clause 126, requiring every person intending to drive cattle or sheep "across the land" of any other person possessed of not less than 500 sheep, or through any common, to give twelve hours' notice of his intention,

The Hon. W. PEARSON considered that it was essential that the clause should define what was meant by the term "land"—whether leased or freehold land was referred to.

Mr. CUMMING suggested that the clause should be postponed, in order that it might be ascertained whether a person intending to drive cattle along a boundary road should not also be required to give notice of his intention.

Mr. COUTTS expressed the opinion that the privileges allowed to travelling stock constituted one of the curses of the existing land system.

The clause was postponed.

On clause 125, allowing public officers on duty, and holders of miners' rights searching for gold on Crown lands, to depasture their cattle upon "any Crown lands not under lease,"

Mr. BELL remarked that, if miners were not to be allowed the privilege of depasturing their cattle upon lands under lease, they would be greatly restricted in the matter of prospecting. He would suggest the insertion after the word "lease" of the words "other than pastoral or under licence in an agricultural allotment."

Mr. WALLACE moved that the words "not under lease" be struck out, and the words "whether a pastoral allotment or a grazing area" be inserted after "lands."

The clause would then allow a public officer or the holder of a miner's right to depasture his horse "upon any Crown lands, whether a pastoral allotment or a grazing area."

Seeing that the Crown lands would be all taken up under the Bill, it was only fair that a man should be allowed to depasture his horse on a pastoral allotment or a grazing area when he was prospecting.

The amendment was agreed to.

The Hon. W. McCULLOCH moved that "horse" be substituted for "cattle." It would not be fair to allow a man to prospect with a team of bullocks, which might introduce disease.

Mr. WALLACE remarked that it would be necessary to employ bullocks to take up machinery to such a place as the Dark River gold-field.

The amendment was negatived.

On clause 128, providing, inter alia, as follows:—

"The board shall have power from time to time to make and alter or rescind rules and regulations, or to rescind any rules and regulations heretofore made for the care, protection, and management of all public parks and reserves not conveyed to and vested in trustees, and for the preservation of good order and decency therein,"

Mr. LORIMER proposed the insertion after "therein" of the following words:—

"and also for the collection and receipt of tolls, entrance fees, or other charges for entering in or upon such public parks and reserves." He observed that the object of the amendment was to enable a charge to be made at the gates of a public reserve when an entertainment was being held in it for a public charity. There was some doubt as to whether such a power existed at present, and the amendment would remove it.

Mr. MELVILLE expressed doubt as to whether the proposed power might not be abused.

The amendment was agreed to.

The whole of the clauses having been gone through, the postponed clauses were taken into consideration.

Postponed clauses 18 and 19 were agreed to.

Clause 21 was further postponed.

Clause 65 was agreed to.

Clause 124 was further postponed.

Mr. SARGOOD proposed the following new clause, to follow clause 36:—

"The right to a lease in respect of such grazing area shall, after public notice, be granted to the first person who, after such notice, lodges an application for the same. If two or more applications be lodged on any one day before the hour of two of the clock in the afternoon, in respect of the same grazing area, such applications shall be referred to persons appointed by the Minister to hear the same, and report thereon in writing to him."

He observed that, when clause 36 was under consideration, Mr. Cuthbert asked what course of procedure would be followed in case there were two or more applications for
one grazing area, and he (Mr. Sargood) then promised to submit a clause, similar to clause 22, dealing with pastoral allotments.

Mr. WILLIAMSON suggested that the clause should be postponed until the clauses given notice of by Mr. Cuthbert, in lieu of clause 22, which had been struck out, were disposed of.

Mr. SARGOOD stated that clause 22 related only to pastoral allotments, whereas the present clause referred to grazing areas. The Government considered the clause unnecessary, as they were of opinion that clause 120 sufficiently dealt with the matter, but he had submitted it in accordance with the promise he made. He could see no reason for postponing the clause. It was to be remembered that new clauses proposed by the Government took precedence of those submitted by private members.

Mr. CUTHBERT expressed the opinion that it would be better to postpone the clause, inasmuch as, if the committee determined to adopt the auction system when there were two or more applicants for a pastoral allotment, they might apply the same principle to grazing areas.

Mr. WALLACE supported the postponement of the clause. He thought it would be a good thing to adopt the auction system for grazing areas when there were two or more applicants for a pastoral allotment, they might apply the same principle to grazing areas.

Mr. WALLACE opposed the adoption of the system proposed by the Government, and the auction system for grazing areas would greatly imperil the passage of the Bill in another place. The policy of the country was to put as many people as possible on the land, and the auction system would interfere with that object.

Mr. MELVILLE observed that the auction system had been tried and found wanting. The country had abandoned it, because it had the effect of giving the land to the man with the longest purse, and he was surprised that any honorable members wanted to return to it. To attempt to revive the auction system for grazing areas would, he believed, be simply fatal to the Bill.

Mr. WILLIAMSON remarked that the objection which formerly existed to the auction system was that by it one man could buy up thousands of acres, but the same objection could not exist under this Bill, as a man was precluded from obtaining more than 1,000 acres, and that only on lease.

Mr. ORMOND stated that he objected to the lot system for deciding between two or more applicants, and he was in favour of adopting the auction system. If there were a number of applicants for the same land the fact would show that the land was of superior value, and by adopting the system of competition the State would get the value of the land.

Mr. MACBAIN said the clause involved a very important principle, and he would therefore suggest that it be postponed until the committee had the opportunity of considering the new clauses which Mr. Cuthbert intended to propose in lieu of clause 22.

Mr. LORIMIER observed that, by the rules of Parliament, the consideration of new clauses brought forward by the Minister or member in charge of the Bill, in which it was desired to insert them, took precedence of new clauses proposed by any other member. He objected to any departure from the rules.

Mr. MACBAIN stated that he was not aware that it was contrary to the rules of Parliament to ask a Minister to postpone a clause. He hoped that the Minister of Defence would consent to postpone the clause.

Mr. SARGOOD regretted that he could not accede to the request.

Mr. MACBAIN said the clause had not been printed, and he had not previously had the opportunity of seeing it.

Mr. SARGOOD said the clause was precisely the same as clause 22, with the exception of the substitution of the words "grazing area" for "pastoral allotments." Nevertheless, if the honorable member asked for the postponement of the clause, on the
ground that he had not seen it, he (Mr. Sargood) felt bound to yield to the request.

The clause was postponed.

Mr. SARGOOD proposed the following new clause:

"It shall be lawful for the lessor of a pastoral allotment under the provisions of this Act at any time during the currency of such lease, not less than five years from the commencement thereof if the covenants and conditions thereof have been fulfilled, to select a portion of such allotment not exceeding 80 acres in extent as a homestead, in one block, on payment to Her Majesty at the rate of £1 per acre for each and every acre comprised in such lot."

Mr. MACBAIN moved the omission of the words "not less than five years from the commencement thereof" (lines 4–5).

The amendment was carried, and the clause, as amended, was agreed to.

Mr. SARGOOD moved the following new clause:

"There shall be inserted in every Crown grant of lands alienated in fee simple, and in every licence or lease of lands demised with the right of acquiring the fee-simple thereof, under this Act, a condition or covenant that such lands are granted or demised subject to the right of any person, being the holder of a miner's right or of a miner's lease, to enter therein, and to cut, construct, and use races for mining purposes on such lands without paying compensation to the owner, lessee, or licellee of such lands. Provided that the lands so entered upon as aforesaid are in close proximity to the banks of rivers or creeks known to be auriferous, and that the land on each bank of such rivers or creeks has been reserved."

Mr. BELL considered this a most objectionable clause. The cutting of a race through private land might materially injure the value of the land. No provision was made for the maintenance of any race cut under the authority of the clause, so that in time, by the banks being worn away, a race might be converted into a good-sized creek.

Mr. WALLACE regarded the clause as a very important one. Power to cut a race through private land was necessary in the interests of mining; and, at the same time, races were, in the majority of cases, a benefit to the owners of the land through which they were cut by affording facilities for the watering of stock. He had seen hundreds of races cut—he had cut many a one himself—and he had never known the sides torn up and destroyed. While strongly in favour of the principle of the clause, he did not approve of the latter part, and therefore he begged to move that the proviso be struck out.

Mr. WILLIAMSON said the clause seemed to him to be a very fair one.

Mr. MACBAIN observed that a man's allotment might be divided by the cutting of a race, and the whole of it rendered useless. In his opinion, no man should be liable to have a race cut through his property unless he was to be paid compensation for the damage which he would sustain. There was no difference in principle between cutting a race and making a railway through a man's land. The provision in the Bill authorizing the Governor in Council to resume possession of any land required for mining purposes on payment of compensation seemed to be sufficient to cover the object for which the clause was intended.

Mr. CUTHBERT said that, if the clause was to have any effect, the proviso would have to be omitted. He also considered that provision should be made for compensating any landowner whose property was injured by the cutting of a race, and that the persons who made a race ought to be under a legal obligation to keep it in good order. The Hon. C. J. JENNER remarked that he had always been in favour of giving every encouragement to miners to obtain gold, but he could not agree to this clause. It seemed to be a very unreasonable proposal that miners should have the right to enter upon private land and cut races without compensating the owner of the land. He saw no necessity for the clause.

Mr. BELL submitted that the 93rd clause made all the provision that was necessary for the cutting of races.

Mr. WALLACE's amendment was agreed to, and the clause was afterwards put and negatived.

Progress was then reported.

ASSURANCE FUND PAYMENT BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. F. T. SARGOOD, was read a first time.

RESIDENCE AREAS ACT AMENDMENT BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. F. T. SARGOOD, was read a first time.

SUBSTANTIVE GENERAL LAW CONSOLIDATION BILL.

This Bill was passed through committee, and reported without amendment.

On the motion of the Hon. W. E. HEARN, the Bill was then read a third time and passed.

The House adjourned at half-past ten o'clock.
LEGISLATIVE ASSEMBLY.
Tuesday, November 18, 1884.

Narrow-Gauge Railways—Breach of the Printing Law

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

NARROW-GAUGE RAILWAYS.

Mr. McLEAN asked the Minister of Railways if the Government would consider the desirability of including a sum of, say, £100,000 or £150,000, in their next Railway Loan Bill for the purpose of constructing a few test lines of light railways or steam tramways, on the narrow-gauge principle, for mountainous country, in such localities as might be deemed most suitable?

Mr. GILLIES said he did not propose to ask the Treasurer to include any sum in the next Railway Loan Bill for the purpose referred to in the honorable member's question; but he intended to ask Parliament to vote a sum of money for making surveys in various portions of the mountainous districts of the colony, with the view of ascertaining the best means of giving facilities of communication to settlers in such localities.

BREACH OF THE PRINTING LAW.

Mr. HUNT asked the Solicitor-General if his attention had been called to a recent decision of the Seymour bench of magistrates, whereby a newspaper proprietor was fined £5 for failing to affix a complete imprint to a placard printed by him, and what steps, if any, the honorable gentleman would take towards the remission of the penalty? There was clearly no intention on the part of the defendant to evade the law; and, although technically he had not complied with the Act, the printing of placards of a like character with a similar imprint was a very general practice. The prosecution, in fact, was initiated by an over-vigilant policeman.

Mr. DEAKIN stated that he had asked the adjudicating magistrates to furnish him with the particulars of the case, and, when he received their report, he would be in a position to deal with the matter.

MR. ODELL.

Mr. WALLACE asked the Premier if he was aware that a substitute was not appointed during the absence of Mr. Odell, the receiver and paymaster at Omeo, who had to attend court at Sale?

Mr. SERVICE, in reply, read the following memorandum from the Under-Treasurer:

"Notice was received at the Treasury that the receiver and paymaster had to attend the court at Sale. It is not usual, on occasions such as that under notice, where the officer concerned is in a remote district, and where the absence of the officer is not likely to exceed a few days, to send a substitute. Omeo is 250 miles from Melbourne, and a considerable distance from any railway communication, besides which the Treasury business transacted at that office is comparatively trifling. There is no reason, therefore, to suppose that any inconvenience was caused by the absence of the receiver and paymaster. Mr. Odell was instructed, before leaving Omeo, to place his office in charge of the police, and to affix a notice to the office door explaining the cause of his temporary absence."

RAILWAY DEPARTMENT.

Mr. GRAHAM asked the Minister of Railways whether he had received any decision or recommendation from the Railway Commissioners with regard to the reduction of the freight on grain and other agricultural produce, as asked for by a large deputation of farmers some months ago?

Mr. GILLIES said he had received a communication from the Railway Commissioners on the subject, and in a few days he would bring it under the notice of his colleagues.

PETITIONS.

Petitions were presented by Mr. UREN, from the Hampden Shire Council, against the Dog Bill; and by Mr. MURRAY, from residents of Warrnambool, and by Mr. GRAHAM, from residents of Nathalia and the district, in favour of the continuation of the grocers' (single-bottle) licence.

THE POLICE.

Mr. BENT asked the Chief Secretary the following questions:

1. Is it correct that members of the police force on attaining the age of 55 years are ineligible for promotion; and, if so, how long does the order exist, is it retrospective, and has it been promulgated?

2. Has the rule been applied to all promotions since the publication of the report of the Royal Commission on Police?
Mr. BERRY, in reply, read the following memorandum from the Chief Commissioner of Police:

"1. On the 4th July, 1882, Sir Bryan O'Loghlen, then Chief Secretary, intimated that the Government have decided on not promoting any sergeant at or over 55 years of age. This rule has not been notified generally to the police, but many members of the force, who have been passed over on this ruling, have been informed of the restriction.

"2. Since the 6th April, 1883—the date of publication of the report of the Royal commission—the rule has been extended to all subordinate members of the force, the only exceptions made since that date being in the cases of two sergeants.

"3. The clause in the police regulations approved the 15th August, 1877, which is quoted, has not been repealed."

The Chief Commissioner of Police also made the following minute:

"Whilst the general application of the rule laid down on the 4th July, 1882, is found to be advantageous in maintaining the efficiency of the superior ranks of the force, occasions arise at rare intervals when circumstances justify the head of the department in recommending a departure from the rule. In some cases the position to be filled demands certain qualifications which are only to be found among men of the next lower grade, in one over 55 years of age, but, nevertheless, hale and active."

SINGLE ELECTORATES.

Mr. HALL asked the Premier if it was the intention of the Government to bring in an Electoral Act Amendment Bill next session; and, if so, whether he would consider favorably the principle of single constituencies, in accordance with the prayer of several petitions which had been presented?

Mr. SERVICE stated that, during the recess, the subject of amending the Electoral Act would receive the attention of the Government, and, in connexion with it, the principle of single electorates would be carefully considered.

PARKS AND GARDENS.

Dr. QUICK asked the Chief Secretary whether his attention had been directed to a letter in the Argus of 13th November, signed "Pater," under the heading "A warning to visitors to the Botanical Gardens," and whether he would cause the Chief Commissioner of Police to take action in the matter with a view to the prosecution of vagabonds infesting public parks and gardens?

Mr. BERRY stated that he had received the following memorandum from the Chief Commissioner of Police:

"The police have seen and questioned the writer of the letter signed "Pater," but failed to obtain from him any material particulars additional to those contained in his letter. The watchmen, gardeners, and police employed in the Botanic-gardens concur in stating that such a man as 'Pater' describes has not been seen to haunt the place. The police have nevertheless been instructed to use special vigilance to detect criminal vagrants in any of the metropolitan recreation reserves. Plain clothes constables will be temporarily employed on this duty."

ASSENT TO BILLS.

Mr. SERVICE presented a message from the Governor, intimating that, at Government House, on the 12th November, His Excellency gave his assent to the Zoological and Acclimatisation Society's Incorporation Bill and to the Mallee Pastoral Leases Act Amendment Bill.

MINING ON PRIVATE PROPERTY BILL.

Dr. QUICK asked the Attorney-General when the Royal assent would be given to the Mining on Private Property Bill?

Mr. KERFERD replied that the Royal assent would probably be given to the measure the following Monday.

LAND BILL.

Mr. BENT inquired if the Government would give the Assembly one or two days' notice before asking it to deal with the amendments made by the Council in the Land Bill?

Mr. KERFERD said that due notice would be given.

WORKROOMS AND FACTORIES LAW AMENDMENT BILL.

Mr. DEAKIN moved the second reading of this Bill. He said—Mr. Speaker, the object of the Bill is to provide "for the supervision and regulation of factories, and for the limitation of the hours of trading in shops," and the subject-matter of it is one upon which existing legislation is distinctly modern. It was not until about the beginning of the present century that conditions arose in England which led to legislation in this direction, the first Act of the kind being passed in 1802. Since that period, however, the rapid industrial development which has taken place in the mother country
has rendered it necessary to pass various measures from time to time to meet the emergencies that arose, and to prevent the keenness of competition leading to abuses that might seriously affect the health and well-being of the working classes. The condition of affairs in England half a century ago, as regards the working classes, was such as can scarcely be conceived at the present day. A Royal commission, known as Lord Ashley's Commission of 1843, in reporting on the state of the collieries, said—

"Women were employed as beasts of burden; children were stunted and diseased, beaten, overworked, oppressed in every way; both women and children made to crawl on all-fours in the passages of the pits, dragging carts by a chain passing from the waist through the legs; and all lived in an atmosphere of filth and profligacy that could scarcely leave a thought or feeling untainted by vice."

The work from which I have made this quotation says, in reference to the results of an investigation by another commission—

"The inquiry into the condition of women and children in factories in 1838 also brought to light some lamentable facts. In most of the large mills, as has been already stated, the children were not treated ill, while the hours of labour were commonly limited to twelve. But in other cases most lamentable revelations were made. The commissioners met with undoubted instances of children five years old being sent to work thirteen hours a day, and frequently children from nine to eleven were made to work fourteen and fifteen hours."

The remedial measures passed in England became so involved when no less than sixteen different Acts had been placed on the statute-book that in 1878 a Consolidating Act was passed, which dealt with the subject, under limitations, in a very comprehensive way. That Act, which has been in operation in the mother country, with the best results, for the last six years, is to a considerable extent the basis of the present Bill. The condition of affairs which calls for legislation in Victoria is not, I am happy to say, in the remotest degree to be compared with the state of things that formerly existed in England. On the contrary, the report of the Shops Commission, to which I shall have to make frequent allusion, shows that there is little or nothing to complain of as regards the great majority of the Victorian factories. It is only the proprietors of what may be termed the minor factories—the small factories, pushed away, in many instances, from the centres of business—who, in order to obtain some share of trade, are driven to work under conditions that are not satisfactory to the public interests, and to enforce conditions on their work-people which are also the reverse of satisfactory. Of the Victorian factories, as a whole, there is very little but good to be said; and no doubt the great majority of the factory proprietors will be glad to see a law passed rendering compulsory the same humane regulations as to the employed in factories which, in a large number of cases, have been adopted. The Workrooms and Factories Act which is at present on the statute-book—the Act No. 406—is a very short measure indeed, but, although short, it has not been found by any means inefficacious. It consists of six clauses, one of which defines the word "factory" or "workroom" to mean "any factory or workroom in which not less than ten persons are engaged by an employer to work for hire or reward." The Act also prohibits the employment of females in any factory or workroom for more than eight hours per day, and authorizes the Central Board of Health or any local board to make regulations for ventilation and other sanitary matters connected with factories and workrooms. Such regulations have been in force since 1874, and the universal opinion of inspectors and others qualified to express an opinion on the subject is that the Act generally has done a great amount of good. I think that the honorable member for Ballarat West (Lt.-Col. Smith) was largely concerned in getting that Act placed on the statute-book. Although a small Act, it affects very important industries which have sprung up in Victoria, no doubt largely fostered by the policy that has been pursued in this Chamber, and which industries have now attained a position that must be cause for rejoicing by every colonist. From Hayter's statistics for last year I find that there are 2,600 factories in Victoria, that the capital invested in them amounts to £8,600,000, that the annual value of the labour employed in them is £5,500,000, and that the number of persons employed is 45,000.

Lt.-Col. SMITH.—Has the honorable gentleman any statistics showing the ages of the employees?

Mr. DEAKIN.—The figures which I have given contain all the statistical information as to the factories which I have been able to obtain. The Government Statist informs me that he has no other figures than those contained in his official publication. The Bill proposes to deal not only with factories, but also with shops; and the number of employees in shops may, at the very smallest estimate, be put down at 30,000; so
Second Reading. [November 18.] First Night's Debate. 2169

that the total number of persons directly interested in the measure amounts to 75,000. The Bill, therefore, affects interests of considerable magnitude, and deserves the greatest consideration. The Government would have been ill able to approach the subject had it not been for the very thorough and satisfactory investigations which have been conducted for many months by the Shops Commission. In the course of their labours the commission asked something like 16,000 or 17,000 questions of various persons engaged in or interested in factories or shops; and they also had consultations with the Trades Hall Council and other bodies possessing special knowledge and experience bearing on the subject of their inquiries. The report of the commission, and the minutes of the evidence taken by them, contain a mass of valuable information. I may say that the Bill is, from the first clause to the last, based on the result of the labours of the commission. The work of the commission, as honorable members must admit, was done in a very exhaustive manner indeed. Almost every point of interest to factory hands or shop assistants was considered. Evidence was taken not on one side only, but on all sides; and the commission displayed a spirit of industry and a grasp of the subject reflecting great credit on their chairman and on the members generally. The commission, in their report, make 39 recommendations, but, as several of them deal practically with the same thing, the number of distinct recommendations may be said to be 30 or 35, and, of these, 26 are embodied in the Bill. Indeed, only three important branches or groups of suggestions made by the commission have not been adopted, and the reasons for not adopting them I will explain presently. The measure, I repeat, is based on the evidence elicited by the Shops Commission, and embodies almost every one of their recommendations; but, in accepting their recommendations, the form—the tried form—of the English Act has also been adopted at every possible turn. The Bill, in fact, is based on the recommendations of the Shops Commission, but assumes the form of the English Act to such an extent that about 40 out of the 61 clauses of which it consists are in the English Act; and a number of the others really contain the substance and spirit of provisions in that Act so far as they are applicable to the circumstances and condition of this country. Therefore this legislation is proposed on the sure grounds of English experience and of special knowledge gained by an exhaustive inquiry conducted in our own colony. The English Act contains very comprehensive provisions, but there is one important limitation in it, namely, that it only applies to factories which employ women, children, and young persons. An establishment in which only adult males are employed is not a factory within the meaning of the English Act. The Bill, however, adopts a broader definition, so as to include all factories whatever, and exclude none. The English Act contains provisions for the registration of factories, for their inspection at proper times, for the regulation of the hours of labour and the hours of meals, for preventing the employing of persons of a certain age in certain occupations, for the protection of life and limb, and for the adoption of sanitary regulations necessary for the health of the workpeople. All these leading features of the English Act are embodied in the Bill, the chief departure from the English Act being, as I have already said, the broadening of the definition of the term “factory.” Honorable members will be aware that, though in many branches of trade almost the whole of the work is done in the factory—that all the hands who are employed work on the premises—in certain other branches, such as the softgoods trade, a very large quantity of work is not done in the main factories, but in sub Factories, or by the “sweating” system, that is by persons working at their own homes, away from the supervision of their employers. There are also employed in this branch and in some others persons who only work certain months in the year, or when necessity requires, or at their own will and pleasure. It would be almost impossible to pass a law applicable to persons who do not work at stated times and for the purpose of earning their own living; and accordingly those who simply add to their other means of livelihood by taking home work, or who work irregularly, are not touched in any sense by the Bill. A “domestic factory” is defined to mean—

“Any building or place in which members of the same family dwelling there are engaged in working for hire or reward, or in laboring in preparing or manufacturing articles for trade or sale, and where such work or labour furnishes the whole or principal means of living to such family, and where such work or labour is exercised as regularly and constantly as may be, and not at irregular intervals.”

For some reasons it might be desirable the same provisions should apply to domestic factories as to other factories, but the Government have not seen their way to go to
that extent. It is, however, necessary to provide that domestic factories shall be registered, in order that the inspectors may be in a position to satisfy themselves that the so-called domestic factories are really what they purport to be, and not sham domestic factories—factories trying to escape the provisions of the law. An ordinary factory, or, to use the language of the Bill, a "factory or workroom," is defined to mean—

"Any office, building, or place in which any persons other than members of the same family are engaged directly or indirectly in working for hire or reward in any handicraft, or in preparing or manufacturing articles for trade or sale, or any office, building, or place in which steam or other mechanical power is used."

Under the existing Act the definition of a "factory or workroom" is so defective as to enable the proprietor of a factory—by distributing his employés in different places—to escape the operation of the Act; but under the definition given in the Bill it will be impossible for any bonâ fide factory to escape being registered as such. I will now call attention to the summary of the recommendations of the Shops Commission, as contained in their report. The 1st is—

"That a thoroughly comprehensive measure amending the Victorian Factory Act 1874 be submitted to Parliament during the ensuing session."

I hope the members of the commission will recognise the fact that the present Bill is a thoroughly comprehensive measure. The 2nd recommendation is—

"All factories, workrooms, and places in which work for hire is executed shall be registered."

This is provided for in the Bill. The 3rd recommendation is—

"An annual licensing fee of a nominal amount shall be imposed and payable by the registered person carrying on such establishment or place of business."

The Bill provides that an annual registration fee of £2 2s. shall be charged for a factory or workroom in which more than 50 persons are employed, that the fee shall be £1 1s. if the number of persons employed is less than 50, and that the fee for a domestic factory shall be only 1s. Although these annual fees are merely nominal, the number of establishments which will have to be registered is so large that the revenue derived from them will be sufficient to defray all the expenses of the administration of the measure. The 5th recommendation of the commission is—

"A heavy penalty shall be imposed for non-compliance with the regulations respecting ventilation, lighting, space, cleanliness, and sanitary accommodation."

Mr. Deakin.

This is given effect to by the Bill, as is also the 6th recommendation, which is as follows:—

"Wherever possible, the sexes in factories shall be separated."

The 7th and 8th recommendations, which are practically one, are as follows:—

"The eight hours system shall be one of the fundamental principles of the Bill."

"An arrangement may be made by which employés can obtain the Saturday half-holiday, but the hours of work during the six working days of the week shall not exceed 48 hours."

The Government have not seen their way to put any clause in the Bill to give effect to these recommendations, for the reason that it would be obviously unfair, if not impossible, to obtain the assent of this House to a measure which, while enforcing a desirable provision in regard to employés in factories, did not extend the privilege to the whole of the working classes of the community. It may be that a measure will have to be introduced making the eight hours system applicable to all employés, but it would be impossible to attempt to deal with the question in this Bill in a partial manner with any prospect of success. The Government, however, propose, by clause 80, to make the provision of the present Act which prohibits the employment of females in any factory or workroom for more than 48 hours in any one week apply to males under sixteen years of age, as well as to all females. The Bill permits, as does also the existing Act, the suspension of this restriction by the Minister administering the measure, but there is a provision in the Bill to the effect that it shall not be suspended for more than one mouth at a time. This is an amendment which has been found to be necessary during the operation of the present Act, so as to prevent the proprietor of a factory continuing to employ his female workpeople more than eight hours per day after the exigencies of his trade which induced the Minister to suspend the operation of the eight hours' clause have ceased to exist. In future it will be necessary for a factory proprietor, if he wishes to continue to have the benefit of the exemption, to make application for exemption at the end of a mouth, and to show that the pressure of business which induced the Minister to grant the exemption in the first instance still continues. Provisions to carry out the following recommendations of the Shops Commission are likewise embodied in the Bill:—

"2. Exemption from the regulation as regards hours of labour may be obtained upon application to the Chief Secretary in cases of great or sudden emergency."
"10. The exemption shall only be permitted to meet the particular emergency.

11. A chief inspector shall be appointed as executive officer under the Act.

12. The chief inspector shall be an officer under the Central Government.

13. Assistant inspectors shall be appointed to country districts.

14. Prosecutions for breaches of the Act shall be directed by the Chief Secretary upon the recommendation of the chief inspector.

15. In all factories and workrooms lists shall be kept giving the names, ages, hours of employment, and rate of remuneration of the employes.

16. Truant officers to have access to factories and workrooms, with power to inspect lists and interrogate those employed.

17. Certificates of health and suitability shall be produced by young persons before obtaining employment.

18. Certificates shall be obtainable from a medical officer appointed under the Act.

19. A certificate of age shall also be required.

20. It has been observed by the commission that all premises to be used for the purposes of a factory or workroom shall be submitted for approval to the Chief Inspector of Factories."

The 21st of the commission's recommendations is that boys under 13 and girls under 14 years of age shall not be employed in factories or workrooms. That has been adopted with a modification. The provision in the Bill will apply only to boys under 12 and girls under 13. Evidence was given before the commission, and evidence has also been supplied to the Cabinet, to show that there are many boys over 12 and under 13, and girls over 13 and under 14, who, having passed the State school standard and obtained certificates, are employed to their own profit and the profit of their employers. Then come a series of recommendations with regard to apprenticeship. These recommendations are—

"22. The probationary period for apprentices and improvees shall not exceed six months.

23. Probationers after six months shall be entitled to the payment of a percentage upon their work.

24. The number of apprentices shall not exceed one in five of every adult employed.

25. Apprentices shall be legally indentured in accordance with the custom of the trade or business in which they are engaged."

These four recommendations are virtually one—that apprenticeship shall be compulsory, and that the number of apprentices in proportion to workmen and the term of apprenticeship shall be fixed. It became very clear, on investigation, that while these proposals are admirably adapted for the employing which the commission evidently had in their minds when they made the recommendations, they could not be universally applied without loss to the employer and a consequent stoppage of work, which would mean loss to the employed. The honorable member for Ballarat West will admit that there are carried on in his district industries which, if these recommendations were applied to them, would suffer seriously, if not disastrously. Consequently the recommendations with regard to apprenticeship have not been dealt with in the Bill. The 26th recommendation, that "persons under 16 shall not be allowed to work except between the hours of six a.m. and six p.m.," has been adopted, but, in view of that, it was thought unnecessary to adopt the 27th recommendation, "that no person under 20 years of age shall be allowed to work between midnight and six a.m." The following recommendations are also carried out in the Bill—

"28. Newspaper and other printing establishments shall be brought under the provisions of the Factories Act.

29. Employes shall not work more than four and a half hours consecutively without an intermission for a meal.

30. Meals shall be taken outside the room in which work is carried on.

31. Employers shall, where necessary, provide the requisite accommodation and appliances for meals.

32. Special precautions shall be taken for the protection of employes where machinery is utilized.

33. Persons placed in charge of steam boilers and engines shall hold certificates of competency.

34. Notices shall be affixed in all factories indicating the hours of work and meals, and for the relays of hands, if such are employed."

I now come to the last, but by no means the least important, proposals of the Shops Commission. They are—

"36. The sweating system shall be prohibited.

37. Employers shall provide all the accommodation necessary in connexion with the premises in which the factory business is conducted.

38. Employers shall be prohibited from taking work home from the factories.

39. If the quantity of work exceeds the capacity of the factory hands, and that the limited period allowed for overtime does not sufficiently meet the temporary pressure, the extra work may be transferred to some other registered place of business."

These sweeping recommendations were no doubt dictated by a laudable motive. The commission discovered that the lowest prices paid to workpeople are paid not in factories where the work is performed under the eye of the employer, but in places where the work is done under what are called "sweaters"—sub-contractors so to speak—who obtain work from the factory and let it out at a low price. It is in these places where the longest hours are kept, where people live on the premises working the whole time that they are not engaged in eating and sleeping, and where the employes get the least remuneration—remuneration hardly sufficient in some cases to keep body and soul together. The commission further discovered that some of the
work for the best factories in Melbourne is done in the lowest hovels—places in which disease germs are considered to be prevalent. With these evils before their minds the commission made the sweeping recommendation that all work should be done in the factory, and that none should be done outside; but I think they scarcely considered the effect of such a sweeping recommendation being carried into law. The evidence taken before the commission showed that there are engaged in the softgoods business thousands of women who, from the conditions of their domestic life—women with children, who have homes to take care of, women who have in some cases infirm husbands to support, daughters who have to help to maintain infirm parents—must of necessity do the work they have to do at their own homes. These people could not be away from their homes for the whole day, as they would have to be if all factory work had to be done inside the factory. Therefore to carry such a proposal would be, at one blow, to deprive thousands of persons of their livelihood, and to deprive a large number of the means of adding to their livelihood—persons who are able to keep house with the help of contributions from their fathers or brothers, and who yet find it necessary to do some work to add to the family funds. Therefore, great as are the objections to the “sweating system,” there are still greater objections to the endeavour to pass into law what really could not be carried into law without the most disastrous results to thousands of persons. At the same time the Government could not fail to recognise the object which the commission had in view. Accordingly they have embodied in clauses 16, 17, and 18 of the Bill provisions which involve a new departure—provisions which are not to be found in the English Act. Under those clauses it will be the business of the chief inspector to acquire exact knowledge as to the quantity of factory work done in the country, together with the conditions under which and the price at which it is done, and this information will be available for a future Parliament which may feel called upon to deal with the matter in a thorough manner, instead of having to proceed, as we now have, very largely in the dark. The information which the chief inspector will have to obtain will be acquired without any undue or inquisitorial prying into the business affairs of the factories, or making public the prices paid for work done for any particular manufacturing firm. Clause 16 requires the chief inspector to prepare an annual report, as is done in England, showing as nearly as possible the number of persons engaged in factories or workrooms—classifying them according to their sex, age, and average weekly earnings, whether in wages or by piecework, their hours of labour, the percentage of work done in the factories and workrooms, and the percentage of work done outside, together with such other particulars as the Minister may require. For the purposes of such annual report, the occupiers of factories and workrooms are to furnish such returns as may be prescribed by regulation, and will be subject to punishment if they fail to do so. Clause 17 provides that—

“Every occupier of a factory or workroom who has work done for the purposes of his factory or workroom elsewhere than in such factory or workroom shall keep a record of the quantity of the work given out to be done, and of the name and address of the person by whom the same is done, and of the price paid for the same, and in default thereof shall be liable to a fine of £20.”

Thus provision is made for ascertaining the quantity, extent, and character of the work done outside, as well as the quantity, extent, and character of the work done inside. Clause 18 provides—what I consider is a necessary protection for the proprietor of every factory—that any inspector making use of the contents of private returns for purposes other than the general statistical information will be guilty of a misdemeanor. One part of the Bill which is likely to excite considerable criticism is that which deals with the matter of closing the retail shops—a matter which, as far as I have been able to ascertain, has not been dealt with by legislation in any country, though it forms the subject of a Bill which has been submitted to the Imperial Parliament by Sir John Lubbock. On this question the Shops Commission took a large amount of evidence, and it would seem that the more evidence they took the greater appeared the difficulties that surrounded the matter, owing to the great variety of conditions under which retail shopkeepers earn their living. The commission, considering that the class of persons who should be relieved by any enactment determining the hours of labour in shops were the employees or assistants, recommended that those hours should be limited to eight per day, but that a shopkeeper who wanted his place of business kept open more than eight hours should be allowed to keep it open as long as he pleased. This suggestion, though good in itself, presented many difficulties. In the first place, it was evident, from the testimony
of the witnesses examined before the commission, that it was the very small shops—shops which could be carried on without assistants—that were the means of driving the large shops into keeping long hours. The large shopkeepers wish to close early; many have done so, and have been compelled to return to long hours simply because of the action of small shopkeepers.

Mr. WOODS.—One obstinate shopkeeper may cause the keeping open of all the shops in a street.

Mr. DEAKIN.—It became evident to the Government that the proposal of the Shops Commission, though it might meet the case of the employees, would not meet the case of the shopkeepers. The proposal lacks one of the chief elements which, according to the evidence taken by the commission, is necessary for an effectual dealing with the question—it lacks the element of unanimity. The fact does not seem to be as generally appreciated as it might be that an immense majority of shopkeepers are in favour of early closing. There is in Melbourne an association which has done great good in the past—which by mere moral suasion, by simply educating public opinion, by appealing to the public spirit of shop proprietors, has brought about such a satisfactory state of things that not only the larger establishments in Melbourne, but a number of the smaller ones, now regularly close at six o'clock in the evening on ordinary days, and at two o'clock on the afternoon of Saturday; and the members of that association have declared recently by an overwhelming vote that the limit of victory by moral suasion has been reached, and that now it is absolutely necessary that the Legislature should interfere. In saying this, they only echo the general verdict of the shopkeepers and assistants examined before the commission. I may mention that early closing is the rule in almost every other town of the colony except Melbourne; but those exceptions ruined the whole movement, and the consequence was that most of the shops resumed the longer hours. It goes without saying that shop assistants are in favour of early closing, because that means shorter hours for the same wages.

Mr. ZOX.—When assistants become employers they are for keeping open late.

Mr. DEAKIN.—I believe that the chief reason why shops remain open late is that the habit of late shopping has become ingrained in a portion of the population. If the public would only acquire the habit of shopping early, the difficulty would be to a great extent at an end. I may mention that the Shops Commission sat with open doors, and invited every employer and employee who had anything to say on the subject of early closing to come forward and give his testimony. All classes of witnesses were heard before the commission; and I find that, while four or perhaps half-a-dozen shopkeepers were opposed to early closing, 50 or 60 pronounced strongly in its favour. The following is an extract from the evidence given by Mr. John Hindle, a draper:

"From your knowledge of the employers, can you say that there is an active desire for legislative protection among them?—Yes.

"Were you at a meeting of employers at the temperance hall?—Yes.

"When?—Last July.

"What did they discuss?—Unanimously to support the Salesmen's Union, to support seven and ten."

Mr. John Gordon, an employee, who has been an active promoter of the early closing movement, stated that he had not the slightest doubt that "seven-eighths of the shopkeepers would be in favour of legislation."
2174 Workrooms and Factories [ASSEMBLY.] Law Amendment Bill.

Mr. WHEELER.-Have you any evidence to show the class of people that shop late?

Mr. DEAKIN.—I believe that, as a rule, they are only chance customers.

Mr. WHEELER.—I am told it is the artisan class.

Mr. DEAKIN.—We have been told that, but the evidence on the point is conflicting. Certain it is that while, of the many witnesses examined before the Shops Commission, only some half-a-dozen individuals expressed apprehension that their businesses would suffer if early closing were adopted, their neighbours who did business exactly under the same conditions contradicted that view of the case point-blank, and testified that their experience was quite in another direction. The clauses of the Bill dealing with the question of the early closing of shops are the 45th to the 49th. They are not coercive provisions; they are simply provisions which will allow the vast majority of the shopkeepers to do what they want to do. It is the vast majority of the shopkeepers who ask that this portion of the Bill shall become law; and if the vast majority of the shopkeepers ask for it, I fail to see why any other class should oppose the proceeding. At one time the idea I entertained was that it would be advisable to leave the matter, as far as possible, to local option, but I subsequently realized that there would be practical difficulties in the way of carrying that idea into effect. Accordingly, it is provided that all shops save those which are mentioned in a schedule to the Bill, shall close every evening of the week except Saturday, at seven o'clock, and on Saturday evening at ten o'clock, unless two-thirds of the shopkeepers in any particular trade desire otherwise. If two-thirds of the shopkeepers in any particular trade desire otherwise, and convey that desire to the Minister administering the Act, their shops can be kept open to whatever hour they please. The provision will apply only to cities and towns and the metropolitan district, and will legalize what already exists in Sandhurst and almost every other town in the colony. Certain businesses are exempted from the operation of the Bill, for the reason that if shops where those businesses are carried on were closed, great public inconvenience would be sustained. The exempted places of business are chemists' shops, eating houses, inns and other premises licensed under the Licensing Act, tobacco shops, fish and oyster shops, restaurants, coffee houses, and other classes of shops which may be excepted by the Minister.

Mr. McLELLAN.—Barbers' shops?

Mr. DEAKIN.—It is not necessary to except barbers' shops, because the article dealt in is not perishable. People can have their hair cut before seven in the evening.

Mr. M. H. DAVIES.—Fruit shops?

Mr. DEAKIN.—In that case, the article is perishable; and fruit shops, if honorable members please, can be added to the
Second Reading. [November 18.] First Night’s Debate. 2175

schedule. But every other kind of shop—shops like those of drapers, ironmongers, butchers, bakers, and grocers—will be closed at seven o’clock on ordinary days, and at ten o’clock on Saturdays, unless two-thirds of the shopkeepers in any particular trade express their wish for longer hours. Clause 49 deals with a system the necessity for which is generally admitted. It sets forth, in straightforward terms, that an inspector may require any shopkeeper, or the keepers of any particular class of shops, within his district to provide seats for the accommodation of the persons employed therein. Some opposition to such an arrangement has been raised on the score of cost, but it happens that the very last report of one of Her Majesty’s inspectors of factories and shops in England refers to this very point, and meets it by showing that an ingeniously invented seat, which can be screwed in anywhere, and be no obstruction behind a counter, is obtainable for 1s. 9d. Moreover, to quote the words of the inspector—"These seats cannot be damaged, and will never wear out." So the objection on the ground of expense vanishes at once. For the rest, I may state that the general provisions of the Bill resemble those embodied in the measure on the same subject which the Gladstone Government, in England, have recently adopted, and which limits the hours of work to ten and a half daily, with intervals for meals every four and a half hours; and requires, in a compulsory way, that the ventilation and general sanitary condition of shops and factories shall be most carefully attended to. In short, the two measures run on distinctly parallel lines. But it is needless to multiply arguments in support of the proposals I am making, because they may be found on every side, and particularly in the report of the Shops Commission. I may, however, just quote the following from the latest report of Mr. Bowling, one of the Queen’s inspectors of factories in the old country:

"Two-thirds of the waking life of a working man are spent in the factory or workshop; and it is not easy to exaggerate the influence for good or for evil that the conditions under which he exercises his handicraft exert over his private life. I have always remarked that the condition of the factory is reflected in the condition of the workpeople. When the one is well ordered, healthy, and cheerful, the people are the same; when the one is neglected by the master, dirty and ill arranged, then the people are almost sure to be morally and socially inferior, and carry the influence of the factory into their homes."

In fact, the provisions of the Bill are calculated to operate with respect to employers in a manner that will lead rather to their gain than to the imposition upon them of anything in the shape of an undue restriction, or of the burthen of an unnecessary outlay. At every turn we find evidence that whenever care is taken of employes, it is always the better for the employer, and in a colony like Victoria, which will probably maintain a manufacturing supremacy in this part of the world, that is a consideration we cannot afford to overlook. Besides, we have higher grounds to go upon. Mr. Ruskin uttered a profound truth when he said that, after all, the only wealth is life, with all its powers of love, thought, and enjoyment, and that that nation is the wealthiest which produces the greatest number of noble and happy beings. To this I may add that the opportunities for cultivation for which Mr. Ruskin contends exist with us to a far greater extent than is possible in England. In conclusion, I may say that I have every reason to think the Bill will receive the greatest attention from all sides of the House.

Lt.-Col. SMITH.—Sir, the Minister of Public Works and the Government generally may fairly be congratulated upon having brought affairs, through the introduction of this Bill, to such a pass that we may expect that, late in the session as it is, Parliament will not be prorogued until the labours of the Shops Commission have had some fruition. Indeed, there can be no doubt that the requirements of an interest which, as the Minister of Public Works has told us, represents a capital of £8,500,000, with a wages fund of £5,500,000 per annum, and which employs 75,000 persons out of a total population of less than 1,000,000, deserve in every way and shape our most careful consideration. As the chairman of the Shops Commission, I may perhaps be permitted to glance at some of the circumstances that have brought matters to their present position. It will be remembered that the initial step in the direction of an inquiry into the working of the law relating to the management of shops and factories was taken by the honorable member for Carlton, and that his action was followed first by the appointment of the Shops Committee, which the O’Loghlen Government afterwards turned into a Royal commission, and, secondly, by the present Government enlarging the powers of the commission so as to enable them to deal with the factories portion of the question. What was one of the first results of the inquiries they entered upon? That they found on all sides a consensus of opinion that whereas the efforts of moral
suggestion to obtain the early closing of shops had generally been met by the acquiescence of by far the greater number of the shopkeepers, but had generally been defeated in the end by the selfishness of a minority, who refused to carry out the agreements on the subject they had entered into, the time had arrived when, novel as the arrangement might be, there should be legislation to enable the majority to carry out their wishes. Moreover, the commission found the shopkeepers generally testifying abundantly to the fact that when their employes' hours were short they were more attentive and active in business, and that the takings in money were in no case reduced but often increased. That was a distinct encouragement to proceed, which we could in no way lose sight of. One unpleasant feature is that the opposition to early closing comes almost invariably from shopkeepers who have very recently been employes themselves, their idea appearing to be that their rivals' shops closing early must throw business in their way. Under such circumstances it is no wonder that we have been unanimous in agreeing that in the matter of early closing among shopkeepers the rule should be that which obtains in almost every other relation of life, namely, that the large majority should bind the small minority. There may be something new in legislation in that direction, but nevertheless I think we may fairly ask for it. Early closing is virtually adopted from end to end of the colony, but it cannot be completely established until the vast majority in its favour have some guarantee that their anxiety for their employes' welfare will not be baulked by the selfishness of an almost infinitesimal minority. Passing from the question of shops I come to that of factories, which is of greater relative importance, because of the enormous proportion of the population engaged in factory employment. At the beginning I will express the very great regret felt by the commission in finding in many factories children of such tender years that their employment under similar circumstances would not be permitted, even in England. Some legislation, therefore, is absolutely necessary in order to put a stop to that sort of thing. Why the evidence we took points to proprietors of factories in the suburbs of Melbourne employing children of eight or nine years of age—children who have never seen the inside of a State school, and who are made to work ten or twelve hours per day.

Lt.-Col. SMITH.—I could name several, but I will not do so. I am aiming at an improvement of the law, not at casting reflections upon individuals.

Mr. ZOX.—Where are the truant officers?

Lt.-Col. SMITH.—In connexion with factories of that sort, and others too, no truant officer is ever allowed to set a foot within their doors. I venture to say that if the Bill provided for nothing more than that no child under fourteen years of age should be employed at factory work, it would have a fair claim upon the consideration of Parliament. No doubt the Bill also adopts very many other of our recommendations, such as that a list of the employes in each factory, and their respective ages, should be posted where it could be publicly seen, and so on; but I am sorry to say the Government have throughout fought shy of the greatest evil that exists with respect to our factories, namely, what is known as the "sweating" system. I am aware that it is difficult to deal with this portion of the subject, but it seems to me to lie so completely at the foundation of everything connected with the matter that I cannot see any very good reason for bringing this subject under discussion. What, for instance, will be the advantage of providing that factories shall be kept in good sanitary condition, that the hours of labour shall not be excessive, that what is called the "log" shall be arranged on a fair scale, and for everything else that can be thought of, if every regulation we make can be evaded by any manufacturer who chooses to give up actual factory work and resort to "sweating"? I know large factories built to meet every modern requirement with regard to convenience and health, but when you enter them what do you see? Only a very small proportion of the employes for whom the building was originally intended, and who formerly worked there. And upon what will you find those few engaged? If it is a clothing factory you will see them cutting out garments and tacking the materials together, in order that they may be made into bundles for employes outside, whom no special legislation can reach because it is not known who they are or where or under what circumstances they live. The only thing known is that, when the price of labour in a clothing factory runs up to a certain level, the manufacturer can always get the work done cheaper by outside employes in the way I have described. That is the evil that the Trades Hall Council and other trade representatives have so often
complained of, and if the Bill does not deal with it I have no hesitation in saying that the greater part of it will be useless. Who can tell in what fever-stricken holes or pestilential dens the “making up” work connected with garments that are to go into general wear is done? What I am speaking of is the curse of labour in the metropolis. It grinds down wages to a most unfair level, and there can be no doubt that the health of a considerable proportion of the population is affected by it. It is now a common case that at least two-thirds of the employes of a clothing manufacturer work outside his premises, in places mostly unknown to him, and of course completely unknown to the sanitary authorities.

Mr. DEAKIN.—Under the Bill it will be known where the work is done.

Lt.-Col. SMITH.—I do not see that that is made clear. At all events under the “sweating” system people can work at whatever price they like, and there is no check upon them, because what they do and the price they take for it is simply something between themselves and their employers. I give the Government credit for what they have provided for in the Bill, and for the circumstance that they have adopted by far the greater number of the commission’s recommendations, but they have omitted to deal with the system of home labour. I say that the law should take care that the work of the community is done under conditions favorable to its health and well-being, and that everything foreign to that arrangement should be rooted out. I will quote one extract from the evidence obtained by the commission, to show some of the effects of giving work to be done outside, and the use that is made of it to grind down the prices as against the workers inside the factory. The evidence is that of Mr. Merry, Nicholson-street, one of the largest manufacturers of boots in Melbourne, who is reputed to be an exceedingly wealthy man, and who has fought on all occasions against the log prices settled by the trade.

The honorable member for Stawell will remember the great difficulty the commission had in getting into the factory at all. Mr. Merry gave the following evidence:

> “Have you got any people working outside?
> —The finishers generally work outside.
> “Would it greatly inconvenience you to be obliged to employ all your hands in the factory?
> —I am afraid it would necessitate building in a great many instances.
> “Do you approve of the system of ‘sweating’—that is, of giving work to be done by people who take it home?
> —There is an objection to work being taken out, insomuch as it enables men who are called ‘black sheep’ to work under price.”

This gentleman also informed the commission that fully one-third of the work which used to be done in the factory was sent out, rather than that the factory should be rebuilt, so as to afford proper accommodation for all the employes, which would comply with the conditions of the Health Act. In order to test the question whether work is not sent out for the purpose of cutting down the log prices, I would ask whether the manufacturers would have any objection to the insertion of a clause in this Bill making it prohibitory to have work done outside at a lower price than that paid inside the factory? I venture to say that, if there was a provision of that kind, employers would much prefer having the work done under their own inspectors, and a blow would be struck at the enormous amount of work now done in Melbourne and the suburbs outside the factories. I recognise fully that in this Bill a fair attempt has been made to deal, as far as possible, with the recommendations of the commission. When we find that 26 out of 50 of the recommendations of the commission have been adopted, I think the commission have nothing whatever to complain of. I know the “sweating” system is extremely difficult to deal with, but I do hope, nevertheless, that the collective wisdom of Parliament will be brought to bear with the view of mitigating, as far as possible, its evils without interfering, perhaps, with the number of persons who bona fide work at their homes without taking in others. Unfortunately, there is a class who take as it were sub-contracts, and bring in boys and girls to work for them in rooms which are not fit for a number of human beings to work in during a large number of hours. The 17th clause of the Bill proposes that when work is given out of a factory a record shall be kept of the quantity of work, with the name and address...
of the person to whom it is given, and also of the price paid. This is very good as far as it goes, but what we want is that work shall not be given out with the view of bringing down the prices inside the factory. If any difference is made in the price, a larger amount should be paid for work given out, because, in connexion with work done inside, the manufacturer has to pay the expenses of the premises, to provide machinery and all the necessaries for carrying on the work. If this point is met, I think the House might fairly accept the Bill as a very large step in the right direction. The licensing portion of the Bill is a very necessary one. The medical officer of the Melbourne local board of health pointed out the desirability of having these factories licensed, so that in the event of the sanitary conditions not being complied with the licence could be stopped at the end of the year. Another point which, I think, has not been fully dealt with in the Bill is that boys taken on are not properly taught their trade. In England and on the Continent of Europe, when boys are taken as apprentices they are placed with a competent workman, who teaches them their trade, so that at the end of their time they are able to make the whole of the article. But here nothing of the kind is the case. A boy is taken on, and, instead of being taught to make the whole of a boot, he is only taught to perform one single branch of the work in connexion with it. The consequence is that competent workmen, who have learned the whole of their trade, very justly complain that they are brought into unfair competition with those who can only perform one particular portion of the work in which they become exceedingly expert. The result is that they cut down the prices in that particular branch, because they are perfectly useless for doing the rest of the work. By this system a large number of imperfect workmen are produced, who will in all probability become a burthen on the community. On the whole, I think the Bill has dealt very fairly with the recommendations of the commission, and I only regret that it was not submitted at an earlier period of the session, so that the matter might be fully discussed and dealt with in a thoroughly practical way.

Mr. WOODS.—Sir, I think the Solicitor-General is to be congratulated upon the very able way in which he handled this subject in his speech, and, as a member of the Shops Commission, I accept the graceful compliment which he paid to that body on their labours. The fact that their labours have resulted in constituting the basis of a Bill like the present is, I think, the best recognition they could have. I may also say that I regard this Bill not as a perfect measure—although I like the Bill, and will do all I can to carry it through the House—but as only the segment of a circle, a portion of the whole. It is quite impossible, in a Bill like this, to deal with the whole of the vast questions brought before the Shops Commission. The honorable member for Ballarat West (Lt.-Col. Smith) has touched upon the real weak point of the Bill, and that is its failure to deal with the “sweating” system. But there are other matters not in the Bill which, I think, Parliament will be called upon to deal with before long. One is the system of employing young persons—boys and girls—for a length of time, and teaching them only one portion of a trade, and then turning them adrift and getting cheaper labour. We have now a coatmaker who cannot make a coat, a vestmaker who can, perhaps, only sew the buttons on a vest, a bootmaker who knows nothing about making a boot, and so on. We are getting away from the old English system, by which, when an apprentice was indentured, it was made part of the contract that the employer should teach him his trade. Another, and still more serious, thing is the common practice by which clothiers avail themselves of the services of young girls, who are taken on as a sort of favour to be taught their trade. During the first twelve months they get nothing at all, and during the next twelve months, if they are regarded with particular favour by the employer—who is made part of the contract that the employer should teach him his trade. After that they are allowed a half-crown a week. We can imagine what the receipt of only 2s. 6d. per week is a temptation to in the case of a young girl of 17 or 18, who has to provide herself with clothing, boots, &c. I am now giving the best class of cases, because, in hundreds of instances, after twelve months’ work for nothing, the young girls are turned adrift. I think the House will be called upon to legislate for matters of this kind before long. It is all very well to say you must leave these things to find their own level. They do find their level—and a very low level—but I think it will be the business of the House, in further considering the recommendations of the Shops Commission, to take this matter in hand and deal with it. In regard to the “sweating” system, I do not see that there is very great difficulty in
dealing with it. It is simply a question of price, and nothing more. The absolute want of certain individuals is used as a leverage, in order to bring down the prices of making articles inside the factories. There are people outside so necessitous that they will work for half a loaf rather than get no bread, and their necessity is made use of by the employers in order to bring down the wages of the employes inside. They say—"We can get this work done outside at a certain price, and therefore you must come down." In view of the fact that the "sweating" system is productive of evils in every direction, I think the House ought to deal with it. If I wanted to illustrate some of the evils which this system produces, I would simply have to recite "The Song of the Shirt," a song which thrilled the heart of all Europe, and which is true to this day in every line and every letter.

Mr. ZOX.—Not here.

Mr. WOODS.—Yes, here. I do not say it is true to the whole extent, but to a certain extent, and unless the system is checked it will be as true here as it was in London. Although women here are not making a shirt by hand for fourpence, as they were in London at the time "The Song of the Shirt" was written, will any one say that the consciences of the "sweaters" would step in between their victims and their gains if they could get the work done at that rate? They would do it if they could to-morrow. And what is the safeguard against that? If the hands employed at the clothing manufactories were to form themselves into a trade association, as they ought to do, and insist that the prices for work let outside the factory, instead of being less, should be a certain percentage more than for work done inside, the difficulty would be met. And it is only reasonable that more should be paid for such work, because the manufacturer is relieved from the expense of building or paying rent for premises, from insurance, gas bills, &c., in respect of such work. I think that the Bill would be made perfect as far as it goes, if the Government could see their way to introduce a clause into it providing that if any work is given out of a factory to be done, it must be paid for at a higher price than the log in vogue in the factory. I know I shall be told that such a clause would be an interference with the liberty of the subject and the freedom of trade, but I am not startled by that venerable cry in the smallest degree. I say we are here to legislate for those who are not in a position to defend themselves, and I think it is our duty to endeavour to do so. I have no doubt the provision would be evaded for a time, but it would form a nucleus round which the trade could gather, and when the proposed courts of conciliation are established to settle any differences between employer and employed, as I hope they will be, such a provision would be found a very useful basis to go upon. I know that men, and especially women, will work eight hours in a factory, and then take another four or five hours' work home with them. That was given in evidence before the commission, but that is a kind of suicide which I cannot see how we are to legislate for except by providing that if work goes out of the factory it must be paid for at a higher price. I am sorry that several of the recommendations of the commission have not been dealt with in the Bill—amongst others the question of the employment of barmaids.

Mr. DEAKIN.—That will be dealt with, if it is dealt with at all, in the Licensing Bill.

Mr. WOODS.—The honorable gentleman's statement will give satisfaction to a great number of people who are very anxious that this ugly question should be dealt with. As I have said, the Bill as a whole I consider to be an admirable one as far as it goes, and I have no doubt that with the practical experience of honorable members it will be amended so as to be made as perfect as possible.

Mr. KERFERD.—Mr. Speaker, I just wish to say one or two words with regard to some of the points that have been raised by the honorable member for Stawell, and also the honorable member for Ballarat West (Lt.-Col. Smith). In the first place, I may say that the Government acknowledge, in the fullest sense of the term, how much the labours of the Shops Commission have assisted them in the preparation of this measure. The labours of the commission were devoted to dealing with a subject which might well be described as "the mysteries of Melbourne." So far as they could follow the evidence given to the commission, the Government felt that they were standing on firm ground in framing the provisions of this Bill; but there are many matters which, while we know them to be in existence, we have not yet the information to enable us to grapple with. We thought, however, that by means of this Bill we could create such machinery as would bring to light the whole of those "mysteries of Melbourne," and once they are brought to the light of day
the people of the colony will know what is going on, and will then undoubtedly apply the remedy swiftly and surely. The Government are fully conscious that the Bill is not a perfect measure, but it is a tentative measure which will lead to something more perfect by-and-by. With regard to the question of apprentices, the old law with regard to apprenticeship, which the honorable member for Stawell knew in his earlier days, is going out of use owing to the changed conditions under which articles are now manufactured. The division of labour is now carried out to so great an extent, and machinery performs such a large portion of the work, that it is not possible now to impose the same obligations on master and apprentice that formerly obtained. For instance, one of the most intricate portions of tailoring—cutting out—is done by machinery, and instead of one piece of cloth being cut out at a time by hand, piles of cloth are passed through a machine.

Mr. MCELLAN.—That is only in slops.

Mr. KERFERD.—The honorable member is greatly mistaken if he thinks it is only done with regard to slops.

Mr. MCELLAN.—They would not cut out your coat in that way.

Mr. KERFERD.—The honorable member will permit me to say that I am speaking of something of which I have personal knowledge. Again, if the honorable member for Stawell were to walk through the Phoenix Foundry, or any other well-appointed foundry, he would see machine after machine, with a boy attending it, doing work which formerly had to be done by hand.

Lt.-Col. SMITH.—But the boys are apprenticed.

Mr. KERFERD.—No doubt, but in a modified form, to suit the altered circumstances of the present day. What I want to point out is that the old system of apprenticeship is a thing of the past, and can now only be applied in a modified form. We have to deal with a totally different order of circumstances. All these questions present considerable difficulties. I have no doubt that the difficulties can be surmounted when we get full information with regard to the various industries, and that Parliament will then be able to legislate in the way in which its sympathies have always run—namely, in the direction of ameliorating, and not depressing, the condition of the laboring classes. There is no doubt that no more distressing state of things could exist than that young persons should be called upon to work for a greater number of hours than the human system can sustain without injury; and, no doubt, this and other matters will be dealt with by Parliament when it gets information. The great object of the Bill is to proceed as far as we can safely and surely to cope with evils which admittedly exist in our midst. If, however, we were to rashly interfere with the "sweating" system—and the question was one which received the fullest consideration from the Government—we might easily take away the daily bread of a large number of persons without doing any good. In fact, we have not sufficient knowledge on the subject—we want to get at the ramifications of the thing, and, when we have done that by the machinery provided in this Bill, Parliament will be enabled to decide on the remedy. I have to express the gratification of the Government at the complimentary manner in which the Bill has been received by the House, and I have no doubt it will receive the fullest consideration from honorable members.

Mr. NIMMO.—Sir, I am very much pleased with the Bill. I fully agree that every credit is due to the Shops Commission for the information which they collected on the subject, and which information has been taken advantage of very wisely by the framers of the measure. There are, however, one or two omissions in the Bill which are worthy of attention. Ample provision is made for the protection of the "sons of toil" in the literal sense of the expression, but there is a large class of young men who are not protected by the measure. I refer to the clerks engaged in mercantile houses, with whom it is no uncommon thing, during the three times a year when stock is being taken, to be compelled to work from eight o'clock in the morning till eleven o'clock at night. That is fifteen hours at a stretch, and I do not think that any one should be required to work for such a length of time. The evil is common now, and it will grow still more unless it is checked by legislation. Another class who are not afforded protection by the measure are the young females who are engaged as barmaids in hotels. I am told that in many cases they have to work from eight o'clock in the morning until midnight, or sixteen hours, and I think that is not just or fair. I think the difficulty with regard to the omission from the Bill of the two classes to whom I have referred could be met by a slight amendment—the insertion of the words "or any other occupation"
Second Reading. [NOVEMBER 18.] First Night's Debate. 2181

after "any handicraft" in clause 3—and I hope the Solicitor-General will consider the propriety of making this amendment in committee. Of course, if my views were carried out there would be no young women—or men either—employed in hotels, but I am not now speaking from a teetotal point of view. I have nothing to say against barmaids, who I have no doubt are just as good as other young women, and I think they are not protected in this Bill as they ought to be.

Mr. HALL.—Mr. Speaker, I am glad to find that the objections raised to the Bill are very few. As a member of the Shops Commission, I feel proud of having taken part with my colleagues on the commission in the collection of the evidence on which the measure is based. With respect to the objection of the honorable member for Emerald Hill (Mr. Nimmo), that the Bill does not deal with barmaids and clerks, I do not see how it would be possible to bring those classes under a Factories Bill. If we embraced barmaids and clerks it would have to apply to general servants and many other classes of the community. The Bill is confined specially to employes in factories and shops, and to make it apply to any other class would be rather out of place. I agree with the honorable member that there ought to be some legislation with reference to barmaids, but, as the Government have told us that the question will be dealt with in connexion with a Bill to amend the Public-houses Licensing Act, I am quite content to wait until that measure is brought before us. There are some things omitted from the Bill which I would like to have seen provided for, but as it adopts about 26 of the recommendations of the Shops Commission, and the evils which it will remedy are far greater than those which it leaves untouched, I think that the members of the commission may look upon the Bill with a great amount of satisfaction. In the first place, the registration of factories and the appointment of inspectors, two very necessary things, are provided for. Again, workrooms are to be subjected to proper regulations respecting ventilation, cleanliness, and sanitary accommodation. A remark made by the honorable member for Stawell when, as a member of the commission, he visited one workroom will not readily be forgotten. The honorable member said it was in such a condition that it would "poison a brass monkey." The members of the commission were very glad to get out of some of the workrooms which they went into. The state of things which came under their notice will no longer exist if the Bill becomes law. Again, the practice of workpeople being compelled to eat their meals in the room in which they work is prohibited by the measure. As to the "sweating" system, the evidence taken by the commission points very clearly to the necessity for some legislation with reference to it. While the Bill does not do all that I would like to see done as to the "sweating" system, it contains clauses making it necessary that a record shall be kept of all articles taken outside factories to be made up, and that the places where work is done outside factories may be visited and inspected by the inspectors to be appointed under the measure. These provisions will, I think, have a very beneficial effect. The honorable member for Ballarat West (Lt.-Col. Smith) has complained of the Bill not dealing with the case of apprentices. I know that in the printing trade, at all events, there will be much disappointment that no provision is made for binding apprentices and teaching them their trade; but I can readily understand that the Government felt there were difficulties in the way of carrying out all the recommendations of the Shops Commission in one Bill. The measure, however, does contain some important provisions as to the employment of children. In connexion with the employment of young children, the commission found a state of affairs existing in some factories enough to make one feel grieved and ashamed at living in a country where such things could be tolerated. I do not believe that the report of the commission fully laid before the country one-half of what we saw in one or two factories. In one factory we saw a little lame girl, seven years of age, who was employed ten or eleven hours a day in wheeling a truck. Again, many of the children employed in factories ought to have been attending school. The Bill provides that no boy under twelve years of age, and no girl under thirteen, shall be employed in any factory or workroom, and no child under fifteen years of age unless such child has received a certificate of having been educated up to the standard required by the Education Act. In many of the factories where there was machinery we saw children and other employes running backwards and forwards, and no protection whatever against accidents. The Bill, I am glad to say, contains provision for the proper fencing of machinery. The evils which the Bill will remedy are, I repeat, much greater than those it leaves untouched;
in fact, the measure goes a very long way towards carrying out the recommendations of the Shops Commission, and ought to meet with the general approval of the House. As to the early closing question, the evidence adduced before the commission very clearly showed that voluntary efforts are unable to accomplish what is desired, and that nothing but an Act of Parliament will meet the case. The Bill would be worth a great deal if it only contained the provision for the compulsory closing of shops after a certain hour. I am very glad that the Bill goes as far as it does in the direction recommended by the Shops Commission. If it is not a complete and perfect measure, I would remind honorable members that in England several Bills were introduced before a Factories Act was placed on the statute-book; but here, at one attempt, a very good Factories Bill has been brought forward. I trust that the House will pass it, and, if it should be one of the measures which become law this session, I am sure that we will have reason to be very well pleased.

Mr. GAUNSON.—Sir, this Bill was only distributed amongst honorable members this morning, and it seriously affects the interests both of the working classes and of the employers of labour—so seriously, in fact, as to be one of the most momentous Bills of the whole session. Surely, then, it would be most unreasonable to expect the measure to be read a second time to-night. In England, in the year 1878, the whole of the legislation which had been passed on this subject since 1802 was repealed, and a Consolidating Act was placed on the statute-book. That Act consists of 107 sections with a vast number of sub-sections, and several schedules containing a lot of subsections. The draftsman of this Bill has licked the whole of the English legislation on the question into 61 clauses, and I am, therefore, rather frightened as to the precise character of the measure. I have great love for brevity of language in Acts of Parliament, but I am alarmed at the brevity of this Bill, and, at the same time, I am alarmed at the length of it. It is ridiculous and absurd to suppose that any honorable member has mastered the provisions of the measure. I will mention two instances in which the Bill differs from the English Act. It does not provide for an appeal against convictions by magistrates.

Mr. BERRY.—That is an improvement.

Mr. GAUNSON.—When the Chief Secretary has had some justice's justice administered to himself, perhaps he will estimate it at its real worth.

Dr. QUIOK.—The right of appeal is given by the Justices of the Peace Act.

Mr. GAUNSON.—It is given in cases where the fine exceeds £5, but here there are special provisions that the fine shall not exceed £5. Again, under the English Act, the defendant and the defendant's wife are made competent witnesses in all cases of summary jurisdiction. Why should that not be embodied in the Bill? Without wishing in any way to detract from the merit of the acclamations which have been magnificently showered on the Solicitor-General as the framers of the Bill, I think that we should have reasonable time to consider the quality of the measure. I hope that the Government will consent to the debate being adjourned until to-morrow or Thursday. I have not the slightest desire to prevent the Bill becoming law, but I wish to see it considered in a rational way, and not hurried through the House in racing style, without honorable members having an opportunity to compare it with English legislation, and to ascertain where it is an improvement on that legislation, and where it is defective.

Mr. ZOX.—Mr. Speaker, I thoroughly concur with the honorable member for Emerald Hill (Mr. Gaunson) in asking the Government not to proceed too hastily with a Bill of this kind. We have been told by the Solicitor-General that the measure is intended to legislate for about 70,000 people, 40,000 of whom are engaged in factories, and 30,000 in shops. If we take into account all the persons who are dependent upon the earnings of these 70,000 people, it will be seen that about one-fifth of the population of the colony are directly interested in the Bill. As the measure was only circulated this morning, honorable members have had no opportunity of thoroughly examining its provisions. I, therefore, hope that the Government will consent to the adjournment of the debate. No Bill was ever brought before this House more worthy of serious consideration. There are some extraordinary clauses in the Bill—provisions interfering to a very great extent with the liberty of the subject. Why do the Government want to thrust the measure down our throats to-night? It is monstrous to press the second reading to-night. I am not in a position to discuss the Bill on its merits, as it has only been circulated a few hours. Several gentlemen have told me that they would like to get copies of the measure in order that they might have the
opportunity of consulting together as to its powers to a Minister—not even only to the Governor in their interests or disadvantage. The 1st proviso:—

No doubt there are some factories in Melbourne and the suburbs which are a disgrace to the community, and the Government are to be commended for proposing that all factories shall be subjected to proper sanitary regulations. The Bill, however, is one of such magnitude and importance that it deserves the most careful and mature consideration. As I understand that the Government are willing to consent to an adjournment, I beg to move that the debate be adjourned.

Mr. WOODS.—I trust that the Bill will be allowed to be read a second time to-night. There is no reason why the second reading should not be agreed to without further debate.

Mr. DEAKIN.—Perhaps time will be saved by adjourning the debate, and therefore the Government will not object to it being adjourned.

Mr. KERFERD.—I may explain that nine-tenths of the Bill are taken from the English law, and wherever new matter has been introduced it is printed in brackets.

Sir C. MAC MAHON.—Mr. Speaker, I think it is very desirable that some further opportunity should be allowed for the consideration of the Bill before it is read a second time. As far as I can see from a casual glance at it, I think the effect of the measure will be to strike a blow at all the manufactures of the colony, and crush them by importations from England and other countries. The least thing we can do is to allow those who have expended their money in establishing colonial manufactures an opportunity of consulting together as to whether the Bill will be advantageous to their interests or disadvantageous. The 1st clause fixes the 1st January, 1885, but the 45th clause, as is expressly provided in the clause itself, is not to come into operation until the 1st March; and between the 1st January and the 1st March it will be necessary to frame regulations for bringing that portion of the measure into operation. The honorable member for Emerald Hill (Mr. Gaunson) is entirely incorrect in saying that the fines which can be imposed under the measure are limited to less than £5. The Bill authorizes the imposition of penalties as high as £5, £10, £20, and even £100.

Mr. BURROWES.—I desire to draw the attention of the Government to the 37th clause, which says—

“No person shall be placed in charge of any steam engine or boiler used in or in connexion with any factory or workroom unless such person hold a certificate of service or competency granted by the board of examiners appointed under the Regulation of Mines and Mining Machinery Act 1883.”

A clause of this kind would have been a prohibition even against the great Stephenson, and will be unnecessarily restrictive. I hope that the Government will reconsider the clause.

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

RESIDENCE AREAS ACT AMENDMENT BILL.

On the motion of Mr. KERFERD, this Bill was read a third time and passed.

ASSURANCE FUND PAYMENT BILL.

On the motion of Mr. KERFERD, this Bill was read a third time and passed.

PATENTS BILL.

The amendments made in this Bill, in committee, were considered and adopted.

TRADES UNIONS BILL.

The amendments made in this Bill, in committee, were considered and adopted.
LOCAL GOVERNMENT ACT
FURTHER AMENDMENT BILL.

The amendments made in this Bill, in committee, were taken into consideration.

Lt.-Col. Smith said that he wished to have a provision inserted in the Bill to enable municipal councils to grant power to companies or private persons to construct tramways, on such terms and conditions as the councils thought proper. If such a provision was inserted, tramways would be commenced in Ballarat within a month or six weeks. The local council had borrowed up to the full extent of its powers, and therefore could not undertake the construction of tramways; but he submitted that, subject to the approval of the ratepayers, it ought to be able to authorize persons to enter upon such works on proper terms and conditions. A power of the kind was possessed by the metropolis, and ought to be conferred upon other municipal bodies.

Mr. Kerferd stated that he was willing, at a future stage of the Bill, to embody in it the proposal dealing with this matter of which the honorable member for Ballarat West (Lt.-Col. Smith) had given notice, subject to certain modifications.

The amendments made in committee were adopted.

Mr. Kerferd proposed the addition to clause 3, which enabled a municipal council to invest its sinking fund in the repurchase of its own debentures instead of the purchase of Victorian Government debentures, of the following words:—

"And upon the repurchase of any such debentures, the same and all coupons belonging thereto shall be forthwith cancelled in the presence of the Treasurer of Victoria or his deputy."

Mr. Laurens stated that he thought this was a very wise provision, because without it, in the event of a local treasurer being disposed to be dishonest, there was no knowing what might happen.

The amendment was agreed to.

Mr. Walker stated that he had been requested to draw the attention of the Attorney-General to the action which had been maintained against the Kew Borough Council for making a highway to the bridge recently erected across the Yarra, and to ask him to consider the advisability of introducing into the Bill a clause freeing municipal councils from unreasonable claims arising out of the construction of works of that kind.

In making the highway to the bridge, the Kew council had to cut down the road, and, in cutting down the road, they to some extent deprived the occupiers of adjoining properties of access to them. For this the council had been cast in damages. He was not sufficiently clear as to whether it would be a wise thing to limit the right of private parties to bring actions under such circumstances against municipal councils; but he hoped the Attorney-General would give the matter his consideration.

Mr. Mackay said he desired to remind the Attorney-General of a question he put to him some time ago as to the best way of preventing the manufacture of improper votes for municipal elections. The honorable gentleman then stated that the matter was one which might be dealt with when an amendment of the Local Government Act was under consideration; and he (Mr. Mackay) would suggest the insertion in the Bill of a clause transferring the duty of revising the municipal roll from the local council to some other body, either a revising barrister or a court of petty sessions presided over by a police magistrate. On the subdivision of an allotment in the city of Sandhurst the names of a large number of persons, who neither held the property nor occupied it, were placed on the municipal roll. Then again, a lax system prevailed under which persons who had an interest in mining companies managed, by virtue of that interest, to have their names placed on the municipal roll, although the proceeding was contrary to law. This practice prevailed not only in Sandhurst but throughout the colony, and struck at the very root of representative government. It made the roll of voters simply a sham. The only way of correcting the evil was by appeal to the revision court, but that appeal was not of much value when the revision court consisted of councillors, one of whom might have been concerned in the roll-stuffing. The evil had assumed such magnitude that the Government ought to deal with it promptly and effectually. It seemed to him that a clause to prevent such abuses in the future might, without difficulty, be introduced into the Bill.

Dr. Quick observed that the matter referred to by his honorable colleague (Mr. Mackay), if it could not be dealt with in the present Bill, was one which was entitled to the earliest attention of the Government. A large number of fagot votes were created by property-holders in Sandhurst, and the names were placed on the municipal roll. When application was made to the local council to strike off the names, interested councillors—intending candidates at the
next election—were present, and the application was refused on certain technical grounds; and an order had to be obtained from the Supreme Court compelling the council to rehear the case. There was no question that the matter could be properly dealt with in a Bill to amend the Local Government Act, because power was given under section 80 of that Act to the chairman of every municipal council, in open court within the municipal district, to hold a meeting for the purpose of revising the voters’ list. A similar case occurred at Bacchus Marsh some years ago; and it was quite evident that the power of revising the municipal roll was not exercised in a proper manner by the local councils, and that it was desirable to transfer the power to a judicial body. The general roll of electors—the roll of holders of electors’ rights—was revised by the court within the municipal district, to hold an open meeting for the purpose of revising the voters’ list. A similar case occurred at Bacchus Marsh some years ago; and it was quite evident that the power of revising the municipal roll was not exercised in a proper manner by the local councils, and that it was desirable to transfer the power to a judicial body. The general roll of electors—the roll of holders of electors’ rights—was revised by the court within the municipal district, to hold an open meeting for the purpose of revising the voters’ list.

Mr. BURROWES remarked that, notwithstanding the assertions of the honorable member for Creswick (Mr. Cooper), it was the fact that the evil complained of by his honorable colleagues (Mr. Mackay and Dr. Quick) was in existence, and it was important that the Attorney-General should take advantage of the present opportunity to cure it.

Mr. KEILBERD stated that, if the honorable members for Sandhurst would frame a clause to give effect to their views, he would be glad to take the matter into consideration.

Mr. C. YOUNG observed that he was sorry to hear the aspersions which had been cast by the honorable members for Sandhurst on the local bodies. He did not pretend to be acquainted with what had happened at Sandhurst, but he believed that the bulk of the local bodies were distinguished by the greatest probity. He had never heard of a shire council attempting, in any shape or form, to deal unfairly with the voters’ roll, or countenancing the creation of false votes. That being the case, and the law having worked very well for a great number of years, he considered it would be a very unwise thing to disturb it. The proper course, if municipal councillors did not perform their duties properly, was for the ratepayers to decline to re-elect them. However, he was of opinion that a proper provision to insert in the Bill was one which would relieve municipal officers from the whole of the extra trouble in connexion with the preparation of electoral rolls which had been thrown upon them since the passing of the Reform Act.

Mr. NIMMO remarked that the suggestion of the honorable members for Sandhurst was based on the assumption that the Local Government Statute had not been properly administered—that the mayor of the city, for the time being, had acted improperly. (Mr. Mackay—“No.”) Then there was no meaning in the suggestion that the power now exercised by the mayor should...
be handed over to a police magistrate. He was a member of the first municipal council created in the colony; he had filled the position of mayor twice, and he never heard of that council being once charged, by any of the citizens, with acting improperly in the revision court. One objection to the transfer of the power of revision from the mayor to the police magistrate was that, whereas the latter was irresponsible except to the Solicitor-General, the former was responsible to his constituents. Certainly, the suggested alteration was one which should not be made without due notice being first given to the various municipal councils and the colony generally. Indeed, such a radical change ought not to take place until public opinion on the question had been fairly ascertained, and then only on the matter being presented in a sensible form to Parliament.

Mr. Mackay denied that he had charged the Mayor and the councillors of Sandhurst with countenancing roll-stuffing. What he contended was that they ought not to act as a revision court. From remarks made by themselves, it seemed that they would like the power taken away from them, and placed in the hands of some tribunal to which no suspicion of favoritism would attach.

Mr. Uren stated that he hoped the matter would be well considered by the Attorney-General before he proposed an alteration of the law in the direction suggested by the honorable members for Sandhurst. The law as it stood seemed to him quite sufficient to prevent any fagot votes getting on the ratepayers' roll. First of all, there was the safeguard that the names must be exhibited in some particular part of the municipality for a number of days—sufficiently long to allow, if there was anything wrong about the names, for objections to be lodged against them. Then again, by an amendment of the Local Government Act, made last year at the instance of the Minister of Railways, the revision court had power to call sworn testimony, and he apprehended that no court, being in possession of sworn evidence as to improper names being placed on the roll, would hesitate to strike them off. He objected, simply because there had been a little laxity at Sandhurst, to a star being cast on the whole of the municipal bodies. The charge of the honorable member for Sandhurst (Dr. Quick), that the local bodies negligently performed their work, he threw back on the honorable member. The statement might be correct so far as one or two cases were concerned, but, as a rule, there were no bodies of men who conducted their affairs in a better manner than the municipal councils of the colony.

The third reading of the Bill was made an order for the following day.

Banking Companies Law Amendment Bill.

The resolution affirming the expediency of amending the law relating to banking companies (passed in committee on Thursday, November 13) was considered and adopted.

Authority being given to Mr. Service and Mr. Kerferd to introduce a Bill to carry out the resolution,

Mr. Service brought up a Bill "to amend the law relating to banking companies," and moved that it be read a first time.

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

Removal of Doubts Bill.

Mr. Kerferd moved that this Bill be read a second time. He explained that the object of the measure was to cure a difficulty discovered by the Crown Solicitor in connexion with old deeds containing exceptions or reservations in favour of Her Majesty the Queen. The Bill provided that the advantages derivable from such exceptions or reservations should be exercised by the Governor in Council. It was purely a matter of conveyancing.

The motion was agreed to.

The Bill was then read a second time, considered in committee, and reported without amendment.

Justices of the Peace Proceedings Bill.

Mr. Kerferd moved the second reading of this Bill. He said it simply made provision for the amendment of certain errors and informalities in proceedings before justices of the peace. The object was to prevent the administration of justice being defeated on purely technical grounds, by enacting that defects on the face of a conviction, or of a warrant of commitment under it, might be promptly amended on sufficient proof being afforded to justify the drawing up of the said conviction.

The motion was agreed to.

The Bill was then read a second time, considered in committee, and reported without amendment.
The Legislative Council, and he reading a certificate "inquire into the cause of any shipwreck or casualty affecting any ship whilst in the care of a pilot or master." At present such an inquiry could only be held in the event of a charge being made, and the result was that important casualties occurred without it being ascertained who was to blame for them. It was intended to provide for the whole case in a comprehensive Marine Bill, but the session was too far advanced for such a measure to be brought forward.

Mr. WALKER stated that he deeply regretted that the promised Marine Bill was not to be dealt with this session, for a measure of the kind was greatly required. He had no objection to the present proposal, except that carrying it would give increased power to a body that had proved a failure in the past. In the recent case of the Madonna running on the Lonsdale Reef, for example, its inefficiency was made completely manifest. Experience proved, in fact, that disasters to shipping ought to be investigated by a body possessing both technical and judicial knowledge. It was all very well to adopt the Bill as a stop-gap, but it was absolutely necessary that the larger measure the Government had in view should be passed into law with the least possible delay.

Mr. GAUNSON observed that the objection put forward by the honorable member for Boroondara did not apply to this Bill at all. In short, the honorable member did not seem to understand the basis on which the Pilot Board was constituted. Its business was to deal with pilots and not with marine disasters generally, which came under the cognizance of a different body altogether. As for the Bill, it was simply intended to remedy a defect in the law under which, if a casualty happened to a vessel in the care of a pilot, and no charge on the subject was made against him, the Pilot Board was at present incompetent to inquire into the matter. The only real drawback to the Bill appeared to be that in the event of the Pilot Board inquiring into a case against a pilot in which no regular charge was made, and he came off with flying colours, there was nobody to pay his costs.

The motion was agreed to.

The Bill was then read a second time, considered in committee, and reported without amendment.

**DOG BILL.**

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

Discussion (adjourned from November 12) was resumed on clause 15, which was as follows:—

"The council of every municipality shall carry out the provisions of this Act, and every such council shall appoint a proper officer whose duty it shall be to enforce the provisions of the council the provisions of this Act, and to seize and destroy subject to the provisions of this Act any dog found wandering at large unaccompanied by its owner or some other person in any street, road, thoroughfare, or public place within their municipality. Such officer may on or after the 16th day of March, in each year, enter upon any premises on which any dog is kept, and may seize and take away such dog, if unregistered, for the purpose of dealing with it under the provisions of this Act; and such officer shall be entitled to receive for his own use from the funds of the municipality by which he is appointed, in addition to any other remuneration which he may receive in respect of such officer, the sum of 2s. 6d. for and in respect of every dog which he so seizes under and in accordance with the provisions of this Act, which amount such officer may sue for and recover before any justice from the council whose officer he is. And any constable shall be entitled to receive for his own use from the funds of the municipality in which such dog is seized the sum of 1s. in respect of every dog that he so seizes in accordance with the provisions of this Act, which amount such constable may sue for and recover before any two justices from the council of such municipality."

Mr. PEARSON said he could hardly imagine anything more objectionable than the portion of the clause which authorized a municipal officer to enter upon any premises on which a dog was kept, and to seize it and take it away if it was unregistered. It ought to be impossible for an entire army to enforce such a provision. He begged to move the omission of the words after "municipality" (line 10) down to the word "Act" (line 15).

Mr. GAUNSON observed that he was utterly opposed to the earlier portion of the clause, which empowered a municipal officer to seize and destroy "any dog found wandering at large unaccompanied by its owner or some other person." Such a dog might be a household pet, to destroy which under almost any circumstances would be the rankest cruelty.
Mr. BOSISTO remarked that he strongly disapproved of the portion of the clause which entitled the municipal officer who might be authorized to enter private premises and seize and take therefrom any unregistered dog, to charge a fee of 2s. 6d. for every dog he so seized. It was important that such an official should be paid only by a regular salary.

Mr. STAUGHTON expressed the opinion that the arrangement objected to by the honorable member for Richmond (Mr. Bosisto) would lead to all sorts of underhand dealing.

Mr. GAUNSON thought that matters might be partly amended by inserting after the word "any" (line 7) the word "unregistered."

Mr. KERFERD said he would consent to the omission of all the words after "municipality" (line 10) to the end of the clause.

The amendment was altered accordingly.

Sir C. MAC MAHON stated that he believed the world never before knew of a proposal to authorize the officer of a municipality to enter private premises and take away any dog he might find there—it might be a pet animal—for the purpose of destroying it, simply because it was unregistered. For himself, he would say that if any such officer entered his home for such a purpose the fellow should not leave it alive. That people should be subjected to legislation of this character, simply because a few squatters had their sheep worried, was perfectly outrageous.

Mr. GRAVES pointed out that if a dog out with its master was ordered home, and it went home, it would be liable on the journey to be treated as an "unaccompanied" dog.

Mr. C. YOUNG observed that, under the clause, it would be quite possible for a dog-owner who had complied with the law in every way he could to be nevertheless unable to save his dog from destruction at the hands of some municipal officer.

Mr. PEARSON said it would be a monstrous state of things if it was provided that if a dog, even though registered, wandered outside he might be seized and killed. He thought, at all events, no such dog should be destroyed unless it was unregistered.

Mr. GAUNSON observed that the whole object of legislation in regard to dogs was to make the owner of a dog which committed a mischief answerable, and the Bill did not touch that point at all. (Mr. Cameron—"It does."). The law was that an irascible dog might bite a person, and the latter could not touch the owner unless he could prove that the owner was aware that the dog had injured some one else. The law of scienter was not affected by the Bill at all. (Mr. Staughton—"The 20th clause provides that it shall not be necessary to prove previous mischief.") That was only as regarded the imposition of a penalty on the owner. But if a dog, by rushing at a horse, frightened him and caused the death of the rider, the widow or children would have no right of action against the owner for damages under this Bill any more than under the present law. Under these circumstances, it was only blundering to pass the Bill, and he thought it should be scouted out of the House until public feeling became more mature as to whether the owners of mischievous dogs should be made responsible or not. On the other hand, while not accomplishing this object, the Bill would inflict great hardship on the owners of valuable dogs used for sporting purposes which were never allowed to wander about.

On the motion of Mr. KERFERD, progress was reported.

COLLEGES OF AGRICULTURE BILL.

Mr. DERHAM moved the second reading of this Bill. He said—Mr. Speaker, in moving that this Bill be read a second time, I desire, on behalf of the two gentlemen who are associated with me in submitting it, and also on behalf of myself, to thank honorable members generally for the encouragement which they have afforded us in regard to bringing forward the measure, and our grateful acknowledgments are also due to the Attorney-General and the Minister of Agriculture for the valuable assistance they have rendered us in the matter. It might be thought that this Bill should have emanated from the Minister of Agriculture; but, as several private members have taken a deep interest in the matter, the honorable gentleman very kindly and generously permitted us to push forward the measure. The subject of the establishment of agricultural colleges has been before the House several times, and on each occasion the proposal has been very favorably received. I think I may safely say that the passage of a measure of this kind would be regarded by a large section of the community—the agricultural section—as an important step in the direction of the realization of one of their most dearly-cherished aspirations. Neither is the
interest in this measure confined to the farmers. By many of the trading and professional classes, whose ranks are somewhat crowded, it will be looked upon as opening a new field for industry and enterprise. Now that agriculture is universally admitted to be a science, it becomes most necessary that those engaging in the vocation in this country should thoroughly equip themselves, so as to be able to fight on equal terms with other parts of the world. The Bill provides for the constitution of a Council of Agricultural Education, consisting of eleven members. Five of them are to be elected by the governing bodies of the agricultural societies throughout the colonies, the object of this provision being to secure the appointment of a sufficient number of gentlemen practically acquainted with agriculture; five members are to be appointed by the Governor in Council; and the eleventh is to be the Secretary for Agriculture for the time being. I think that a council so constituted, and imbued with the desire to do their duty thoroughly, ought to be able to administer this measure to the advantage of the entire community. It is not proposed by the Bill to embarrass the Council of Agricultural Education by restricting them to any particular course of studies for the students. It has been thought wiser to leave these gentlemen free to work out such a scheme as in their wisdom they may think best suited to meet the wants of the colony. The only restriction sought to be made is that they should confine themselves to agricultural education. By taking this line we shall avoid what, in America, has proved a non-success in some cases. By a strained construction of a section in the American Act it was made to include education for the learned professions, so that in many cases students passed through a course of studies for the learned professions at the cost of the State. That will not be possible under this measure. As to the desirability of manual labour being included as one of the duties of the students, the experience of America clearly points to this. There it has been found necessary that instruction should be given in connexion with some farm where the students can see practically demonstrated those operations of nature which they have heard theoretically described in the class-room. A very interesting pamphlet published in connexion with the Agricultural College of Virginia shows clearly the desirability, from a health point of view, of the students having physical exercise of this kind. The board of that college deputed one of their number to visit most of the other technical colleges of America, and, in the course of his report, he quotes the opinion of a medical man on this subject as follows:

"For the most perfect and healthful development of the body it is absolutely necessary that the muscular system should, while the body is maturing, be developed by the habitual use of all the muscles, and this cannot be attained, at least so well, in any other way, as by actual labour. When the muscular system is thus developed, the digestion is made powerful, the lungs are enlarged by increased respiration, and the blood, more perfectly depurated, increases the size, and especially the functional activity, of the brain."

It is not proposed by the Bill that industrial and reformatory school boys should take their instruction in agriculture in connexion with the agricultural colleges, but that separate provision should be made for their instruction in the best way possible. The important matter of ways and means is provided for by a land endowment, and I hope that the proposal which is made in the Bill in that respect will meet with the favorable consideration of the House. The amount of the endowment has been based to some extent on the quantity allowed in America, where each senator and representative in Congress gets 30,000 acres for his state. If the same proportion was allowed here the Bill would ask for 280,000 acres, but it only asks for 150,000 acres. In New Zealand 100,000 acres have been reserved for the purpose of agricultural education, or nearly a similar amount to that proposed in the Bill. The measure stipulates that the land shall not be parted with in fee simple, but shall be leased—the broad acres for terms not exceeding 14 years, and the building land for periods not exceeding 33 years. It is supposed that the revenue at first will not be sufficient for the total requirements, but it is hoped that the Treasurer will supply any deficiency that may be found in this respect. If the quantity of land asked for proves to be in excess of what is required it will, at all events, not pass from the State, and any portion not wanted can be resumed by the Crown. I hope that it will not be thought of to postpone the consideration of this question, and for a very good reason. We are now passing through the Legislature a Land Bill which will dispose of the remaining territory, and, if no action is taken now for the establishment of agricultural colleges, a golden opportunity will have been lost. The Bill provides for the payment of the travelling expenses of the members of the council, but I think
I am rightly interpreting the intention when I say that it is merely intended to pay the travelling expenses of those who come long distances to attend the meetings, and it is only reasonable to make some such allowance to farmers who may not be particularly well-to-do, and who will lose their time in travelling. It is impossible to forecast all the advantages which will flow from this measure; but I think that a very large amount of public good will be done by it if it becomes law. The union of science with practice will materially increase the farmer's usefulness, and will sensibly augment the national wealth. I have no hesitation in warmly commending the Bill to the consideration of the House, because I would point out that agricultural education is only a part, and a highly necessary part, of that policy which Parliament has kept prominently in view for many years past—namely, the settlement of an independent and prosperous yeomanry on the soil.

Mr. CONNOR.—Sir, I have much pleasure in supporting the second reading of this Bill, and I trust that it will be unanimously agreed to by the House. I believe that the main principles of the measure, if carried out, will be of immense advantage to the people of the colony. I would also point out that, if action is not taken now, Parliament will not in future years be in a position to deal with this question in anything like so satisfactory a manner as it is now. As the honorable member for Sandridge has mentioned, immediately the Land Bill becomes law most of the lands suitable for reserves for agricultural colleges will pass from the Crown, and, if permanent reserves are not now made for the purpose, the Government will not be in a position to make them hereafter. I think it is well known that farming, as now carried on in this colony, scarcely pays, and if we have to compete with India, inasmuch as we cannot grow wheat at 9d. per bushel, we may have to turn our attention to scientific farming, and endeavour, by means of this Bill, to teach the people in the different parts of the colony to turn their lands to the most profitable account. I believe in the system of scientific farming, combined with grazing—a system which can be carried out under the new Land Bill—and the present measure will be of immense advantage in educating the agricultural community throughout the colony how to carry out the system in the best possible manner. Action ought to have been taken in this direction several years ago, but it is "better late than never," and I trust this Bill will be passed into law as soon as possible, and the services of the best men from the agricultural colleges of America secured to establish the first agricultural college in this colony. I feel certain that if the lands proposed to be set apart under the Bill are at once reserved, under the system of management provided, sufficient funds will be realized to establish and maintain these colleges in a highly satisfactory manner.

Dr. QUICK.—Mr. Speaker, I would be sorry to take any action, or make any remarks, that might be deemed antagonistic to the principle embodied in this Bill, or intended to be given effect to by it; but I must express my great regret that a measure of such enormous importance, dealing with such a vast extent of the public estate, has not been undertaken by the Executive Government. It has come on me with considerable astonishment that a Bill proposing to take 150,000 acres of the public estate out of the control of the Government, and appropriate it to the use of certain colleges, should have been brought forward without a full and proper explanation by the Government, to whom we look for information. What, for instance, is the value of the land proposed to be taken? I presume that it would not be less than £150,000 at the very least, and it may be a great deal more. There are also a large number of indirect expenses proposed, such as those in connexion with the members of these colleges, which may swell the amount to something prodigious, and the result may be to launch the House and the country into an expensive enterprise such as they do not at present contemplate. I would be prepared to support any reasonable proposal for the promotion of technical agricultural education, but I am advised that there are quite sufficient institutions and educational organizations in existence for the purpose of promoting and promulgating such education in the colony. There is the University of Melbourne, which receives an endowment of £10,000 per annum, and I believe that it would be quite capable, with an additional endowment of £1,000 a year for the creation of a professorship of agriculture, having affiliated branches in the Ballarat and Sandhurst Schools of Mines, to carry out the whole object aimed at by this Bill. I would deeply deplore that the House, by any hasty action, while desiring to promote technical education, should launch into a most tremendous expenditure, and barter away a vast extent of the public estate, of which it would, probably, never again regain the control.
Mr. C. Young.—I agree with the honorable member for Sandhurst (Dr. Quick) that a measure of this importance ought to have been introduced by the Government. It is a most extraordinary thing for a Government to shirk their responsibility with regard to a measure proposing to dispose of 150,000 acres of the public estate, and at the same time support a private member in introducing such a Bill. The honorable member for Sandhurst stated that the endowment of a chair of agriculture in the University would do all that was contemplated by the Bill; but I would remind him that there are some subjects, and notably agriculture, which it is useless to learn theoretically without being able, day by day, to apply practically the lessons given. There must be a practical application of the theories taught in order that the student may make progress. I think that, in courtesy to the honorable members who introduced the Bill, it should be allowed to be read a second time; although there are matters in it which will require, at all events, alteration in committee.

On the motion of Mr. Dow, the debate was adjourned until Thursday, November 20.

SCOTS' CHURCH BILL.

On the motion “That the House do now adjourn,”

Mr. C. Young stated that he wished to make a personal explanation with reference to the Scots' Church Bill. He gave the honorable member for East Bourke notice that he intended to bring the matter before the House on the motion for adjournment, and he therefore regretted that the honorable member was not present, but, as he had received notice, that was not his (Mr. Young's) fault. In the Argus of Friday last, in a report of the proceedings of the Presbyterian Assembly, the following sentence appeared in a summary of the statement of proceedings of the special commission appointed relative to the Scots' Church Bill:

"The commission placed on record its high appreciation of the unceasing labours of Mr. R. Harper, M.L.A., in securing the defeat of the Bill, and the valuable service he thus rendered to the Presbyterian Church of Victoria."

A similar report, using the same expression, "the defeat of the Bill," appeared in the Daily Telegraph, the honorable member for East Bourke's own organ. Now he (Mr. Young) desired to state, in justice to himself, the circumstances under which the Scots' Church Bill was withdrawn. On two occasions the honorable member for East Bourke saw him, and on a third wrote to him, stating that it was impossible for the Bill to go through the House this session, that he was being detained in Melbourne at great personal inconvenience, and asking him (Mr. Young), as a matter of personal courtesy to himself, that he should withdraw the Bill. At the honorable member's request he did withdraw the Bill, yet he now found that the honorable member, having thus got the Bill withdrawn, sat quietly by in the Presbyterian Assembly while a report was read that he had secured the defeat of the Bill. Such conduct struck him (Mr. Young) as being most disingenuous, and he could only say that the honorable member had shown that he was not able to appreciate the courtesy shown to him by the House, in allowing him, contrary to all parliamentary procedure, to continue his speech on the Bill on three separate evenings, or the courtesy he (Mr. Young) showed him in withdrawing the Bill at his request.

Mr. Grant said he thought it was to be regretted that the honorable member for Kyneton had called attention to this matter while the honorable member for East Bourke was not in the chamber. (Mr. C. Young—"I gave him notice to be present.") He was glad in one way that the Scots' Church Bill had been removed from the House. As a Scotsman, and a member of the Established Church of Scotland, who arrived in Sydney five years before the disruption, he regretted that this business should have troubled the House at all. Considering that there were 28 members of the Assembly, and 18 or 19 members of the Council, Scotsmen, he thought they should have been able to settle their religious quarrels among themselves, and it was his intention if the Bill had been proceeded with to suggest that the matter should be referred to the Scotchmen in the Assembly to try and bring about a settlement of it.

Mr. Mackay observed that, notwithstanding the fact that the honorable member for East Bourke had received notice, he regretted that the honorable member for Kyneton had brought this matter in the absence of the honorable member for East Bourke, as it was now sure to be re-opened, and perhaps to lead to an acrimonious discussion. He wished the honorable member for Kyneton had not withdrawn the Scots' Church Bill, but had left it on the paper, because it struck him that, owing to the tone
of recent deliberations which had taken place among a certain body, a number of honorable members who would have voted against the Bill might now be prepared to change their opinions.

Mr. ANDERSON asked what assurance there was that the honorable member for East Bourke was present in the Presbyterian Assembly when the report referred to was read?

Mr. C. YOUNG stated that the honorable member’s name appeared in the newspaper reports as taking part in a previous portion of the proceedings.

The House adjourned at eleven minutes past eleven o’clock.

LEGISLATIVE COUNCIL.
Wednesday, November 19, 1884.


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

THE PREMIER AND MR. CUTHBERT.

The Hon. F. T. SARGOOD said—Mr. President, last night Mr. Cuthbert, in alluding to the letter received by him from the Premier with regard to the Wellington Province election, referred to the fact of an honorable member of another place—the member for Moira (Mr. Hall)—visiting Ballarat at the time of the election. I have to-day received the following letter from Mr. Hall on the subject:

“Nov. 19, 1884.

“Dea Sir,—I see by the Argus of this morning that the Hon. Mr. Cuthbert asked you in the Legislative Council last night the following questions:—’Why had the Government whip, Mr. Hall, visited Ballarat at the time of the election? Could Colonel Sargood say Mr. Hall did not go up at the instigation of the Government?’ Permit me to answer these questions. My visit to Ballarat on that occasion was arranged some weeks previously, and the object of the visit was to see my brother. My meeting with Mr. Long at the station was purely accidental, as he could not have known of my intention to be in Ballarat. Beyond the ordinary greeting of two friends, which lasted but a few moments on the platform, and in the hearing of persons in the carriages, nothing transpired between Mr. Long and myself. No member of the Government knew of my intended visit, therefore it could not have been at their instigation.

I took no part whatever in the elections, and only remained from Saturday till Monday in Ballarat. You may make what use you please of this.

“I remain, yours obediently,

“G. W. HALL.”

PETITION.

A petition was presented by the Hon. J. Buchanan, from selectors residing in the neighbourhood of the Kilcunda coal-field, in favour of the construction of a branch railway from the proposed Great Southern line to Kilcunda.

ASSURANCE FUND PAYMENT BILL.

The Hon. F. T. SARGOOD moved the second reading of this Bill. He observed that the circumstances leading to the introduction of the Bill were stated in the preamble. Its object was to remedy an injustice which had been done to certain persons owing to an error in the Titles-office. It appeared that in 1876 a man named James William Thomson, a land agent, applied to bring certain land under the Transfer of Land Statute. In the ordinary course the original deed should have been given up, and cancelled by the department, but by some blunder not only did Thomson receive his certificate of title, but he was also allowed to retain the old deed without cancellation or endorsement. The consequence was that he raised money not only on the original deed, but also on the certificate; and, although there was a legal difficulty in the way of the persons who advanced money on the certificate recovering it from the Crown, the Government felt that in equity they were bound to refund the lender the amount of his loan, and also interest out of the insurance fund of the Titles-office. Owing to the circumstances of the case an Act of Parliament was necessary to enable this to be done, and hence the present Bill was introduced and passed in another place.

The motion was agreed to.

The Bill was then read a second time, and was afterwards passed through its remaining stages.

RESIDENCE AREAS ACT AMENDMENT BILL.

The Hon. F. T. SARGOOD moved that this Bill be read a second time. He remarked that the objects of the Bill were to extend the maximum of a residence area from a quarter acre to an acre; to do away with the provision in the Residence Areas Act limiting the depth to which the right of the owner of the surface extended; and,
in the event of improvements having been placed on the land, to enable the licensee to obtain the fee-simple on having the land valued, and paying the amount of the valuation, instead of it being put up to auction.

The motion was agreed to.

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

On clause 3, enabling the holders of residence areas containing improvements to purchase the allotments at a valuation,

The Hon. J. A. WALLACE remarked that no provision was made for public notice being given when the holder of a residence area applied for the fee-simple. These residence areas were in the centre of the goldfields, and it might be a serious matter to allow the fee-simple of them to be obtained without public notice. The Minister might not know that there were any objections to the granting of the fee-simple, and the mining community, who might be affected by the alienation of the land, would have no knowledge of the matter until the fee-simple was granted. He thought that at least a notice of intention to apply for the fee-simple should be posted at the nearest post-office.

Mr. SARGOOD stated that the Bill had been introduced at the instance of the mining representatives in the Assembly for Ballarat and Sandhurst, and therefore there need hardly be any fear that it would interfere with the mining community. The measure would be administered by the Mining department, which was always very cautious as to allowing the alienation of land which was supposed to be auriferous.

The Hon. J. CAMPBELL stated that matters of this kind were very carefully looked after by the various mining boards, and there need be no fear as to the effects of the Bill.

The Bill, having been gone through, was reported to the House without amendment, and was afterwards read a third time and passed.

LAND BILL.

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

The Hon. J. MACBAIN proposed the following new clause:

"Every person who at the commencement of this Act is in the occupation of any land under a pastoral licence or under a grazing right shall within one month be entitled to take up a pastoral allotment on the land so occupied." He observed that he had previously explained his reasons for submitting this proposal.

He was only asking that the same privilege should be granted under this Bill to the present pastoral tenants that was accorded them under the Mallee Pastoral Leases Act, namely, the right of choosing one pastoral allotment.

The Hon. F. T. SARGOOD said there were several objections to the clause. The pastoral allotments under the Bill would run from 10,000 acres to 40,000 acres in area, and the honorable member wished to afford any one who was now the holder of a pastoral licence or a grazing right to take up one of these allotments. He (Mr. Sargood) would point out, however, that a considerable number of those who occupied land under a grazing right held far less than 10,000 acres, so that the clause would give them a greater right than they possessed now. Besides, it was almost a certainty that a large portion of the land referred to would, under the Bill, be placed in the agricultural and grazing division and not in the pastoral division; yet the clause would allow the existing pastoral licensee or holder of a grazing right to take up that land. Some grazing rights at present only covered 100 acres, and the clause would enable the holder of one of these rights to take up a pastoral allotment of from 10,000 to 40,000 acres. These were practical difficulties in the way of the proposal, and he did not think the honorable member had fully considered it.

Mr. MACBAIN expressed the opinion that if the principle of the clause was assented to by the committee it could be amended so as to be made consistent with the other provisions of the Bill. His object was simply to enable the present holders of runs to get what the Bill provided for any one else obtaining who applied for it, namely, a pastoral allotment. There ought to be no difficulty in carrying the clause if it was amended to that extent. For example, it might be arranged that wherever an existing pastoral tenant was allowed to take up it should be only within the limits of his present holding. He (Mr. MacBain) would be inclined to propose an amendment to that effect but for the circumstance that he had given notice of a new clause relating to the subject with the shape of which he did not wish to interfere. In short, he simply wanted to give the existing pastoral tenants a privilege like that given to the pastoral tenants in the mallee with relation to mallee allotments, and he believed that public opinion generally favoured such an arrangement. In a considerable number of cases, if such a privilege was not accorded, men
who ranked among the pioneers of the country would simply go to ruin.

Mr. SARGOOD observed that the case with the existing pastoral tenants was by no means the same as that of the holders of mallee country when the Mallee Pastoral Leases Act was passed. It was notorious that the latter had lost prodigiously through the peculiar circumstances of the territory they occupied, but had held on in the hope of legislation which would enable them to work profitably, so that there was reason for favorable consideration on their behalf which did not exist in connexion with the squatters holding good pastoral country, whose leases expired in 1880, but who had retained their holdings ever since. It should be also borne in mind that the Bill had already been amended, on the motion of Mr. Williamson, so as to allow the existing pastoral tenants to retain possession of their holdings for another year, in order that they might have time to look about them. Upon the whole, the present proposal asked for too much, and to carry it would be unfair to the people of the country wanting to go on the land.

The Hon. H. CUTHBERT suggested the addition to the clause of the following proviso:

"Provided that such land be situate within the areas described in the 2nd schedule hereto, and shall not exceed the extent of his present holding."

He considered that, in view of the limited number of existing pastoral tenants, and the fact that many of them held land only equal to carrying, say, 100 sheep, to give them what was now asked for would leave amply sufficient pastoral land for the rest of the community to take up.

Mr. MACBAIN accepted the amendment.

The Hon. D. MELVILLE remarked that carrying the clause in the amended form proposed would mean the adoption, at Mr. Cuthbert's instance, of a system under which his own plan for resorting to auction would be evaded.

Mr. CUTHBERT stated that his auction proposal would apply to pastoral lands generally, whereas the operation of the clause would affect only a small portion of them.

The Hon. J. CAMPBELL considered that Mr. Cuthbert's last statement was very incorrect, for the real effect of the clause would be to allow the existing pastoral tenants to absorb at least 8,000,000 acres of the Crown lands the Bill proposed to deal with. It would be a strong argument in favour of the clause if it would confer a benefit upon the old pioneers of the country; but, as a matter of fact, it would simply make a gift to a class of persons who had speculatively taken up old holdings under conditions which the State, for its part, had already more than complied with.

The Hon. F. ORMOND said he was willing to make considerable concessions to the existing pastoral tenants, but the clause, even in its amended form, asked for a great deal too much on their account.

The Hon. J. WILLIAMSON observed that whatever territory the existing pastoral tenants were allowed to take up would be well occupied and properly paid for.

The Hon. W. ROSS remarked that to adopt the plan now proposed would virtually renew the leases of the present pastoral holders for another fourteen years, and no sufficient grounds for a preferential claim on their part had been shown.

Mr. MACBAIN stated that there was no real foundation for the Postmaster-General's statement that carrying the clause would practically divide 8,000,000 acres among the existing pastoral tenants. Still less could the assertion just made by Mr. Ross be justified. It was essential to remember that the pastoral tenant who held only the fag-end of a run would be entitled to keep only that fag-end, while the holder of a run of 50,000 or 60,000 acres would only be entitled to retain a "pastoral allotment." He (Mr. MacBain) asked honorable members to recollect the statements respecting a certain proportion of the existing pastoral tenants which he made in his speech on the second reading of the Bill, and to hesitate before they refused to stand between those men and certain ruin.

The Hon. P. RUSSELL observed that, if it was desirable that the whole of the country should be occupied, there was all the more reason why those who at present held pastoral territory should be encouraged to continue to do so.

The Hon. J. BALFOUR said he could see nothing objectionable in the clause. Would it not be well if the pastoral lands now in occupation were allowed to remain in the hands of those who knew best how to use them? After all, the State was only asked to give the existing pastoral tenants the first chance of taking up the runs on which their improvements were located.

Mr. MELVILLE thought that, while the committee were asked to remember a great number of things, they should also bear in
mind that twenty odd years ago the original pastoral tenants were each allowed a pre-emptive section of 640 acres. Were the so-called rights of the squatters never to be got rid of? It would seem as though the more that class of settlers got allowed to them the less would they budge.

The Hon. F. E. Beaver stated that no one in the House desired to do an injustice to any one, but it could not be forgotten that the class in whose interests the clause was proposed had already received a very large amount of consideration. At all events he, for one, failed to see that any further concession should be made to them.

The committee divided on the clause as amended—

Ayes ... ... ... ... 17
Noes ... ... ... ... 15

Majority for the clause ... 2

Mr. Cuthbert said he would accept the amendment.

The clause, as amended, was agreed to.

On the motion of Mr. Cuthbert, three other clauses were inserted—one providing that the highest bidder should be entitled to the lease; the second providing that, in the event of no bidder at auction, the pastoral allotment should be granted to the first person who, after public notice, lodged an application for the same; and the third empowering the Governor in Council, in the event of no application, to subdivide the allotment, or add thereto any other pastoral allotment not then leased.

The Hon. D. Coutts proposed the insertion, after clause 29, of the following new clause:—

"Every person who, at the commencement of this Act, is in the occupation of any land under a pastoral licence, or under a grazing right, shall, if he makes application within one month from the coming into force of this Act, be entitled to a lease of a grazing area on the land so occupied."

He stated that he proposed this clause in the interests of the unfortunate pastoral tenants whose holdings were in agricultural districts. It simply amounted to a right of pre-emption to an area not exceeding 1,000 acres. If the present pastoral tenant was disposed to relinquish the position of a squatter, and take up with the calling of a farmer, the probabilities were that he would make as good a farmer as any ordinary selector, and, as he was already on the land, it seemed to be only just that he should be entitled to the first right to select. He considered the clause necessary, because, judging by past experience, the pastoral tenant would have no chance, as against the ordinary selector, of acquiring the 1,000-acre block he wanted.

Mr. Sargood stated that the clause was similar to that which had already been inserted in the Bill, at the instance of Mr. MacBain, and was open to the same objections. In fact, if it were carried, a pastoral tenant would be able to take up, under the Bill, not only a pastoral allotment—which might mean 40,000 acres—but also a 1,000-acre grazing area.

Mr. Bell observed that he would support the clause if Mr. Coutts would consent to amend it so as to provide that one and the same person could not take up both a pastoral allotment and a grazing area. He also considered that the clause should be so worded that the privilege it conferred should not be enjoyed by a person who had but recently come into possession of land.
under a pastoral licence or grazing right. He therefore begged to move the insertion, after "grazing right" (line 3), the words "and has occupied such land for three years next preceding the commencement of this Act."

The amendment was agreed to.

Mr. COUTTS moved the addition to the clause of the following words:

"Provided he has not exercised the right to take up a pastoral allotment."

The amendment was agreed to.

The Hon. G. YOUNG moved that the following proviso be added to the clause:

"Provided also that the area of the allotment so selected shall not exceed the area comprised in the pastoral licence or grazing right referred to."

It would be unreasonable to entitle a person holding a small area under a pastoral licence—it might be only 50 or 100 acres—to take up a grazing area of 1,000 acres. The amendment would limit the privilege conferred by the clause in every case to an area not exceeding the quantity at present held by the pastoral licensee.

Mr. COUTTS said he did not object to the amendment proposed by his honorable colleague (Mr. Young), but he considered it unnecessary.

Mr. MELVILLE remarked that concession after concession was being made to "the poorsquatter." It seemed to him that nearly the whole of the pastoral land was to be allowed to remain absolutely in the hands of those who now occupied it, and that there would be very little for the general public to take up. Was it worth while passing a Land Bill to tie up the land in the possession of the present occupants for another fourteen years? The Government could not accept the amendments which were being made in the Bill, and perhaps the best thing that could happen would be for the Bill to be rejected on the third reading.

The amendment was agreed to.

The committee divided on the question that the clause, as amended, be added to the Bill:

| Ayes | ... | ... | 17 |
| Noes | ... | ... | 13 |

Majority for the clause ... 4
same forbearance and consideration as a good landlord would extend to a good tenant. It would be hard to say that the Government had a right to forfeit the improvements. The law abhorred a forfeiture. The clause he originally drafted was one which, on second consideration, he thought might be slightly amended. It proposed that leases of these reserves for fourteen years should be granted to the pastoral tenants who had constructed improvements on them. With the permission of the committee, he intended to substitute for that another clause, providing that such reserves on which improvements had been made should be sold by auction at an upset price of £1 per acre, with a fair valuation for the improvements in favour of the pastoral tenant. It might be urged that, according to the reports of the district surveyors, these improvements were in many cases required for public use; but, if so, that was the greater reason why the pastoral tenant should be paid a fair valuation for them. The clause he intended to submit provided that, if the improvements were required for public use, the Governor in Council should have power to resume possession of them on payment of compensation to the pastoral tenant. He thought that the pastoral tenants who had been in occupation since 1869, and those who had bought the interest of previous tenants, which was a chattel interest, were entitled to this consideration.

Mr. SARGOOD remarked that, as the honorable member had altered the whole character of his clause, he must ask him to postpone proposing it until the following day, so that it might be printed and circulated.

Mr. CUTHBERT intimated that, as the Government objected to the clause being submitted now, he would postpone moving it.

On postponed clause 21, empowering the Governor in Council to grant a lease of a pastoral allotment "to the person who in manner hereinafter provided purchases the right to a lease."

Mr. SARGOOD proposed the substitution of "makes application for" for "purchasers."

Mr. CUTHBERT objected to the amendment, as he considered that, the committee having adopted the principle of auction when there were two or more applications for a lease of a pastoral allotment, they would justify themselves by adopting the proposal of the Minister of Defence.

The Hon. J. LORIMER suggested that the word "acquires" be substituted for "makes application for." This would cover the obtaining of a lease either by application or auction.

Mr. SARGOOD stated that he would accept the alteration.

The amendment, altered as suggested by Mr. Lorimer, was agreed to.

Mr. SARGOOD proposed the following addition to the clause:

"Not more than one pastoral allotment lease shall be granted to or held by one and the same person."

He remarked that the provision corresponded to that included in the Bill with regard to grazing areas.

Mr. YOUNG asked whether, as some of the pastoral allotments might be very small in size, it might not be provided that a man could take up two or more allotments, so long as the total area did not exceed the maximum carrying capacity fixed in the Bill for a pastoral allotment?

Mr. BELL said that power was taken by the Governor in Council to resume portions of pastoral allotments, so that a pastoral lessee might be left with only sufficient land to carry a few sheep. Under such circumstances, would the lessee be able to take up another allotment?

Mr. YOUNG remarked that he really could not see what objection there could be to allowing a man to take up more than one allotment, so long as he was not allowed to take up more land than the Bill provided for.

Mr. SARGOOD observed that it was not the intention of the Government or the wish of the country that the pastoral allotments should all be 40,000 acres in area. The average would be considerably below that, but, if the suggestion of Mr. Young was carried out, its practical effect would be that every pastoral allotment would be 40,000 acres in extent.

Mr. MACBAIN expressed his surprise that such a new feature as that contained in the amendment should have been introduced into the Bill at the present stage. The non-inclusion of the amendment was said to be an oversight of the Assembly, but no indication whatever had been given to the committee of the intention of the Government to submit such a proposal. It had been proposed that no man should hold more than one grazing area, because the land was of a superior character to that of a pastoral allotment; but the proposal to prevent a man from holding more than one
pastoral allotment had never been mentioned until now. When this clause was previously under consideration, the Minister of Defence made no mention of any such proposition. As far as he (Mr. MacBain) could form an estimate of the Bill, he believed that it would not be worth a snap of the fingers. It was a complete departure from the principles of the Land Act 1869, and limited selection to a few favoured individuals to be decided on by a board appointed by the Government. He was amazed that, after the Bill had been discussed for such a length of time in another Chamber and in the Council, an entirely new principle should now be introduced. If its omission by the Assembly was a mistake, the fact only showed how a matter of this importance was considered in another place and by the Government. The whole question seemed to be a matter of expediency with the Government. He did not care now whether the Bill was passed or not.

Mr. SARGOOD remarked that the reason he did not propose the amendment when the clause was previously under consideration was simply that the clause was postponed at the request of Mr. Cuthbert, so that he had not an opportunity of doing so. The principle of the amendment had been recognised in connexion with grazing areas, and he only asked the committee to affirm the same principle with regard to pastoral allotments. He need hardly point out that if such a proviso was not inserted the result would be that a large quantity of the pastoral lands of the colony would pass into the hands of syndicates. In looking over a return, the other day, he saw that no less than 50 or 60 of the largest runs in the colony were now in the hands of financial associations, and it was to prevent the possibility of that under the Bill that the Government objected in the first instance to give leases the power to mortgage, and now proposed also that no one should hold more than one pastoral allotment.

Mr. MACBAIN stated that the runs referred to by the Minister of Defence were simply held by banking institutions and other financial associations as security for advances to enable the pastoral tenants to carry on their legitimate business.

Mr. ORMOND stated that the object of the Bill was to place as many people as possible on the land, provided that a sufficient area was allowed to enable the lessees to make a living. As the Government would no doubt be guided in fixing the area of a pastoral allotment by the character of the country, he could see no objection to the amendment.

Mr. CAMPBELL observed that the difficulty raised by Mr. Young was met by the fact that, in the Bill, power was taken for the Government to join two or more blocks. Pastoral allotments would not be taken up unless the intending occupiers considered that they were sufficiently large for their purposes; and, in the event of allotments not being taken up, the Government could throw two or more together, and then offer the land again.

The amendment was carried without a division.

Postponed clause 24 was agreed to.

On postponed clause 124, providing, inter alia, that "every person intending to drive sheep or cattle across the land of any other person" should give notice of his intention,

Mr. CUTHBERT asked what was meant by the word "land" in the clause? The term was a very wide one; and was it intended to allow a man travelling sheep to drive them across the freehold land of another person?

Mr. SARGOOD stated that the clause corresponded to the 104th section of the Land Act 1869, the only difference being that the latter contained the words "land or run."

Mr. ZEAL observed that the use of the word "run" showed that freehold land was not contemplated in the section of the Land Act 1869, whereas the present clause left the matter in doubt.

Mr. ORMOND considered that the clause did not give permission to drive sheep across private land. It only provided that, in the event of a person intending to do so, he should give certain notice.

Mr. CUTHBERT suggested that the words "pastoral allotment or grazing area" should be substituted for "land."

Mr. COUTTS expressed the hope that the clause would receive further consideration at the hands of the Government, for it should be remembered that the concessions which the old pastoral holders could easily afford to make to travelling stock could not be afforded at all by the small holders the Bill had in view.

Mr. SARGOOD said the best plan would be to pass the clause now, and he would undertake to recommit it in order to amend it.

The amendment was withdrawn, and the clause was agreed to.

The schedules having been agreed to, The Bill was reported with amendments.
TRADES UNION BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. F. T. SARGOOD, was read a first time.

JUSTICES OF THE PEACE PROCEEDINGS BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. F. T. SARGOOD, was read a first time.

PATENTS BILL.

This Bill was received from the Legislative Assembly, and, on the motion of the Hon. F. T. SARGOOD, was read a first time.

RAILWAY CONSTRUCTION BILL.

The Hon. J. CAMPBELL moved the second reading of this Bill. He said—Mr. President, in proposing the adoption of the principles on which this measure is framed, I am reminded of a circumstance to which I may call general attention, namely, the striking fact that this day, on which we are called to consider railway proposals of a singularly large and progressive character, is the jubilee day of the foundation of the colony. It seems to me no common thing that we should, under existing circumstances, be able to recall to our minds that this day 50 years ago—a period within the memory of very many honorable members here—the first white man arrived in the colony as a settler, and put his house in order on the shore. Equally interesting is it to reflect that 50 years ago, yesterday, there was not a single white man in the whole of this great colony, although white men were on their way overland from Sydney to explore the territory which is now our own, and to see what sort of country it was. There was then not a single sign of what we now view with such pride—our population, our settlement, and a social and political organization not to be surpassed within British dominions. Perhaps I shall strike the key-note of the Railway Bill I ask honorable members to read a second time if I state it to be that our land is a better land than it was once thought to be. Look at the hosts of misconceptions respecting Victoria, and I may say Australia, that formerly existed, and in many cases still continue to exist. Probably at this moment the great majority of the people of the Continent of Europe and of the United States, if not the great majority of the people of England, would, if they were asked to state what sort of country Australia is, describe it as a vast inland desert with fertile land near the coast, on which there was some extent of settlement. That is the popular delusion on the subject among those not specially well-informed with respect to us; and not many years ago it was the fixed belief of even our own countrymen in the mother land. Here I may quote two interesting prophecies made at a time when but little could be guessed of the future of Australia. I find from Labilliere's Early History of the Colony of Victoria that Mr. Tuckey, one of those who in 1803, under Governor Collins, landed for a few months just inside the Heads, has left behind him, in his description of the expedition, what must rank with the most remarkable predictions ever rendered famous by non-fulfilment. He says, alluding to Governor Collins' approaching departure:—

"Indeed the kangaroo seems to reign undis­turbed lord of the soil—a dominion which, by the evacuation of Port Phillip, he is likely to retain for ages."

The other prophecy was uttered later. In 1819 the famous explorer Oxley came down the Lachlan, and had nearly made his way to the Murray when, because he could not find water, he became utterly discouraged and resolved to return. Before he did so, however—I quote Woods' Exploration of Australia—he wrote these words:—

"Yesterday, being the King's birthday, Mr. Cunningham planted under Mount Brogden (of the Peel's Range) acorns, peach and apricot stones, and quince seeds, with the hope rather than the expectation that they would grow, and serve to commemorate the day and situation, should these desolate plains be ever again visited by civilized man, of which, however, I think, there is very little probability."

Yet within 33 miles of that very spot railway trains are now running, and railways extending to far beyond are in contemplation by the Legislature of New South Wales. So I think we may fairly come back to the expression, as appropriate to the present occasion, that our land has proved better than it was once thought to be. Moreover, we may fairly entertain the expectation that many parts of our territory now unoccupied will before long teem with population, and be rich with cultivation and settlement. How are such advances usually promoted? Chiefly by affording facilities of communication. Centres of population are established and supplied with a postal service, in the train of which follows, first,
the electric telegraph, and finally a line of railway. I suppose there is nothing in the world that does more to develop the resources of a district than the running of the iron horse to and from it. It was by such means, following in the order I have described, that the great plains of North America were opened up. Two centuries ago—nay, a far less time—they were like the interior of our own continent, and what are they now? History tells the tale. Coming to the Bill, and the motives and views which, when the Government approached the question of what proposals they should make on the subject, they thought they ought to express with relation to it, I may confess that they found themselves in some difficulty. Not to speak too finely on the matter, they found that they had to deal with hopes and expectations which it would be exceedingly bitter to those concerned to disappoint. Naturally enough, when, two years ago, railway proposals covering a large extent of mileage were carried by another place, and, in certain instances, were considerably added to here, anticipations were encouraged which necessarily made any proposals of the same kind on our part something which could only be regarded in many quarters with feelings of the utmost anxiety. That being the case, and finding also that considerable interests—I might almost say rights—had accrued, we felt that a Railway Bill on a very large scale was an absolute necessity. I may state, indeed, that a large Bill was expected, not to say demanded, from us. If ideas of that sort were not definitely expressed in so many words, they may be said to have been conveyed to us as particles floating in the political atmosphere. Again, we had this notion, that in many instances railways to particular districts might be looked upon as something in lieu of main roads thither. In that light there is no doubt that certain railways that are otherwise carried on at a loss may still be paid. A railway opening up a distant settlement may not afford a return sufficient to pay interest on the money borrowed for its construction; but, nevertheless, it may save us from a national loss, or bring in a national gain, far exceeding in value that of the amount of such interest. An idea of that kind is very effectively conveyed to us in the work of Dr. Hearn, who describes with wonderful clearness how machinery may give to one man the power, not only of ten or twenty or a hundred, but in some cases of fully 3,000 men. It is much the same with railways. Take the saving in capital, time, and labour afforded by substituting a railway for the old cumbersome communication by main road, and the paradox I refer to strikes one at once. On the surface there is a loss, but in substance there is a splendid gain. Why? Because capital otherwise locked up is set free, time otherwise lost is rendered available for other profitable pursuits, and labour otherwise expended is saved for other purposes. Under these circumstances, and feeling it to be incumbent upon us, as the Government, to bring in a Railway Bill of considerable magnitude, we first looked carefully over the lines brought before Parliament by our predecessors. A number of them we were able to agree with at once, and we did so. A number of others we considered we could dispense with, and we took that course. And the remainder we thought we might alter to a certain extent, which we did, in some instances by shortening, and in others by lengthening. All along, however, we were animated in the matter with the conviction that the lines which promised to be main ones—to open up main arteries of communication—were those to be preferred. Upon such principles was our Railway Bill framed, and I think I am right in asserting that when it was laid before another place it gave general satisfaction. Of course we did not expect it to precisely meet every wish or comply with every expectation. In the natural order of things that could not be looked for. But I feel I am not wrong in affirming that our proposals were largely and generously appreciated. Judging from what appeared in the newspapers, or was expressed by the representatives of the people in another place, or from opinions laid down comparatively privately in a number of ways, if we committed an error, and so far gave ground for dissatisfaction, it was through not going far enough. In any case strong pressure was brought to bear upon us to induce us to make our Bill larger, and, deeply sympathizing with the feelings of those who found themselves with cause to complain, inasmuch as the measure left them railway-less, and fully recognising that it would naturally be many years before another Railway Bill was introduced, we deemed it best to yield, and in consequence we added greatly to our original proposals, making considerable concessions in a variety of ways. The result was that our Bill was made larger than ever, but, nevertheless, I think that in a few years there will not be a single man in the country ready to describe it as too large to meet the urgent and pressing
requirements of our population. Then we came to another important point, that of how much the railways we intended to propose were to cost. With respect to this matter, I have no wish to pass the slightest reflection upon any past Government or past Minister of Railways. I will, however, make this assertion, that so far as estimates of railway cost have hitherto been given to Parliament, they have, as a rule, been found erroneous. They have, I dare say, been drawn up honestly enough, but miscalculations have existed with regard to them. We have reckoned upon lines being made for so much per mile, but in practice the sum has invariably been exceeded. What is our experience on this head is also the experience of other colonies, notably South Australia. For example, an instance came to light the other day showing that the construction of a particular light line there cost almost double the sum it was originally expected to cost. We saw all this, and we thought we would try to avoid a similar error in the future, and fix matters of railway construction in the light of its expense upon a right basis. We determined, in fact, to be so far guided by experience as to bring forward only estimates of railway cost that were not likely to be exceeded. We have done so, and, finding that the expense of constructing country lines generally could not be safely set down at less than £3,911 per mile—of course excluding the cost of permanent way and rolling-stock—we have, to make everything safe, taken as our figure £3,960 per mile. In adopting this average, we have acknowledged to ourselves that the country demands that its railways should be of a certain standard excellence, and not of the cheap kind sometimes accepted in other countries. In the United States I have travelled on railways with the rails laid on the ground, and on some lines I found the rate of speed only ten miles an hour. But that sort of thing will not be suffered in this colony for a moment. Here the general idea is that trains should travel at a certain standard speed, and upon railways of a certain standard make, and it is of no use attempting to adopt any other plan. Another matter is that formerly with respect to many railways estimates of traffic were laid before us. But what has always happened with respect to such estimates? That they have invariably been found totally fallacious. Our experience is that it has been utterly impossible in the past to forecast what traffic a new line would bring in, and that any attempt to do so in the future would be only misleading. In consequence, we have laid before the House what the lines we propose will cost, but have refrained from saying what their traffic will be. The utmost we have done in that direction has been to prepare a schedule showing the population, &c., of different districts. As to the lines, if I were to go over them one by one I would make a great mistake; and besides, the performance of any imaginary duty of the kind would be a most wearying exercise for me, and for honorable members also. So I will deal with the leading features of the various railways in three groups or divisions, namely, as the eastern division, the central division, and the western division. The Healesville, Yackandandah, Bright, and similar lines in the eastern division will follow mountain routes, and serve to develop portions of the country that are now struggling with great natural difficulties. One thing to be noticed in connexion with these parts of the colony is the generally unknown quality of the land there. I, however, having had the pleasure on several occasions of travelling through our mountainous districts, can say that in some almost unexplored localities there much of the land is of the most magnificent character. Between Omeo and Harrietville, for example, there is soil not to be surpassed for richness on the continent, and the same remark applies to the country between Harrietville and the Dargo Plains. It struck me when I saw it as equal to the best soil to be found in Gippsland. Let us develop this country by railway means, so that population can come in and work it, and we will do a splendid thing, because we will add to the known resources of the colony those of territory at present almost unknown and wholly unpopulated. Besides, as well as bringing large areas of exceptionally rich territory into profitable cultivation, we will open to the miner, and, indeed, to those engaged in countless other branches of industry, almost inexhaustible stores of splendid timber, which alone will constitute no slight addition to our national wealth. Another point is that these lines will bring under the notice of the world vast resources of a mineral character. Everywhere you go in these parts you find evidence of auriferous deposits, either in the shape of reefs cropping up, or in other well-known forms. Frequently you find traces of prospecting, and every now and again you come across a small group of mining claims, the people working which are all doing exceedingly well. Some of the largest sluicing works in Victoria are situated among the highest
mountains we have. Other lines of a not
dissimilar description will open up Fern­­
shaw and its neighbourhood, which, when it
can be easily approached, will be the resort
to many of thousands. Another line in the
eastern division is that to Bairnsdale. Here
let me remark that there is between Bairns­
dale and the New South Wales border an
extent of country as great and as promising
as that between Sale and Melbourne. In
truth, to the province which Sir Charles
Gavan Duffy once told us the Sale Railway
would give to Victoria may be added an­
other province at least equally large which
the Bairnsdale Railway will present to us.
Not the least among the benefits the lines
I have mentioned will confer upon the com­
community will be the fact that Victorians will
in future be easily able to find in Gippsland
scenery as striking, beautiful, and attractive
as any of which Tasmania, New South
Wales, or New Zealand can boast. Those
who have never traversed the country I am
referring to can have no idea of its wealth
of splendour and grandeur in the way of
picturesque views. Then I must say a
word about the Great Southern Railway,
which is intended to precede population to
a great extent. At the same time, it will
connect Melbourne with one of the oldest
settlements in the colony, namely, Port
Albert. It is almost impossible to praise
too much the route it will follow. Within
a short distance from its starting point it
will run through the Koo-wee-rup Swamp,
which will in time to come be the home of
thousands, and from thence it will traverse
the rich fertile land of Jeetho, which con­
tinues almost as far as Foster, and only
needs to be rendered available to become
one of our wealthiest agricultural regions.
Next I come to the lines of the central
division; two of them—those to Cobram
and Yarrawonga—will tap the Murray, and
at the same time open up practically new
territory. How the resources of those dis­
tricts will be developed during the next few
years is something wonderful to think of.
Every square foot will be made to add to
the wealth of the holder, and also of the
nation as a whole. Of the line starting
from Tatura I need only remark that it
will accommodate settlement which already
extends along every mile of the route. The
Wandong, Heathcote, and Sandhurst Rail­
way will also go through old settled coun­
try, the inhabitants of which have long had hopes
of railway accommodation held out to them.
Here I must pause to say a word or two
with respect to the connexion between the
adoption of this route and my honorable col­
league, the Minister of Railways. The House
is probably aware that formerly the idea
was that the line starting from the North­
Eastern line at Wandong, or thereabouts,
should come out at Elmore on the main line.
It is indeed even now made an objection
to the proposed line that it does not take
the direction which would unquestionably
be favorable to the district my colleague
represents. But he acted with regard to the
subject, from first to last, in the most high­
minded manner possible, declaring that the
sole question to be considered was not what
would conduce to the advantage of his con­
stituents, and so be of personal good to him­
self, but which route would be of the highest
use to the nation, and also tend to promote
the mining prosperity of that important sec­
tion of the nation, to wit, the people of
Sandhurst. Of the lines in the western di­
vision I will only notice one or two. First
comes the line from Bacchus Marsh to Gor­
dons, which will complete the direct con­
exion between Melbourne and the western
system. To my mind that railway will be a
national one in the highest sense. It will also
promote the interests of an important part
of the colony. Of the lines connecting Bel­
fast, Warrnambool, and Koroit with Cam­
derown on the one side, and with Dunkeld
and Penshurst on the other, I can hardly
say too much, because, at the least, they will
bring two western sea-ports into communi­
cation by rail with not only the metropolis,
but the northern districts that desire to in­
terchange produce with them. For many
years Belfast and Warrnambool have com­
plained that railways were being made in
almost every direction but theirs. Of the
line to Warracknabeal it suffices to say that
it will serve a portion of the colony that is
daily struggling into greater importance,
owing to its productiveness and dense settle­
ment. Lastly, I come to the line which is
to connect Dimboola with the South Aus­
tralian railway system, and which I have not
the smallest doubt will be concurred in by
every member of the House, because its cha­acter will be international as well as national.
I now desire to call attention to a schedule of
works recommended by the Railway Com­
mis­sioners as necessary for the accommo­
dation of traffic on existing lines. This
schedule, which I think will command the
sympathy of every member of this House,
involves an expenditure of £1,056,500.
Some of these works, all of which are highly
necessary for the safety of the travelling
public and the economical working of the