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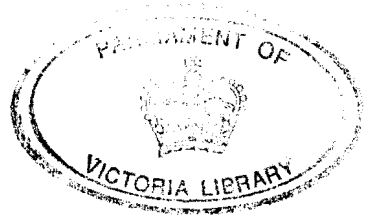
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VICTORIA.



GIPPSLAND RAILWAY BILL

AND

GOULBURN VALLEY RAILWAY BILL.



MINUTES OF CONFERENCE OF COMMITTEES OF LEGISLATIVE
COUNCIL AND LEGISLATIVE ASSEMBLY ON THE AMENDMENTS
MADE BY THE LEGISLATIVE COUNCIL ON THE ABOVE BILLS.

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MINUTES OF PROCEEDINGS.

WEDNESDAY, 3RD APRIL 1878.

Members present:

The Hon. Sir Charles Sladen, M.L.C.,
R. S. Anderson,
J. P. Bear,
N. Fitzgerald,
F. T. Sargood,
R. Simson,
J. A. Wallace,
Sir Samuel Wilson,

The Hon. Mr. Berry,
J. M. Grant,
J. Woods,
J. B. Patterson,
Mr. Gaunson,
Mr. Munro,
Mr. Orr,
Mr. Sharpe.

Mr. Robert Watson was called in and explained the plans of the Oakleigh line to the Conference.

The Hon. Sir Charles Sladen.—When we last met in Conference, or rather when we separated after that meeting which we had here some months ago, I think it is now, at the suggestion of Mr. Berry, it was left to myself to convene the Conference at any future time, if I thought there was any prospect of our deliberations being attended with success. Feeling a responsibility upon my shoulders under those circumstances, I have been several times in communication with the Commissioner of Railways with a view to ascertain if there was any probability of any scheme being submitted which was free from the objections which the members of the Committee representing the Council had taken, and in stating that I have had several communications with Mr. Woods; I wish to be understood very distinctly that it was not as negotiator that I had those interviews—it was solely with a view to get information to enable me to determine whether I could properly convene this Conference with the hope of any business being done here which would put an end to the differences that we have had in regard to this direct line of railway. Some little time ago Mr. Woods submitted to me a scheme different from the one which is here now, and as that involved communications with the Hobson's Bay Railway Company, involving as it did the purchase or exchange of part of their property, I suggested to Mr. Woods that it was desirable before anything could be put before the Conference to know what were the views of the directors of the Melbourne and Hobson's Bay Railway, and Mr. Woods then invited me to be the medium of communication between him and the directors of the Hobson's Bay Railway; and I said, "Very well, I will willingly be the medium of communication, though I do not see why you should not do it yourself." But he suggested difficulties in his becoming the medium of communication. I submitted the proposition to the Railway Company, and they took great objection to it; and I said, "It is no use arguing the matter with me, because I do not know anything about the interests of both, and you had better have an interview with Mr. Woods." They asked me to intervene, to have an interview with Mr. Woods, and I again intervened, and asked Mr. Woods if he would have an interview with the directors. He expressed his willingness to do so. They met, and the effect was that that scheme was thrown over, and another one I believe, which Mr. Woods of course will make known to you, was then suggested—I do not know in what way—which is the one now before us, and it seems to me, on looking at it superficially, to be free, at all events, from the main objections, the very great objections of the first one submitted to us. I therefore ventured to call this Conference here; and, with that introduction, I shall ask Mr. Woods to be so good as to submit to the members present what his proposition is at the present time, and what the advantages and disadvantages of it are.

Mr. Woods.—When I say that at the interview with the directors, I think two of the directors and some of the officers of the company were present, and two of the officers of the Railway department were also present at the interview. Of course it was simply to arrange.

Mr. Grant.—Was Mr. Watson there?

Mr. Woods.—No. Mr. Watson was not there. Mr. Anderson and Mr. Ford were present; Mr. Watson was not, I think in town, he was engaged somewhere else at the time. I sent over for a couple of them to come. I was not aware at the time that any one would be present except Mr. a'Beckett and myself.

The Hon. Sir C. Sladen.—I thought I stated to you that the chairman of the company and the engineer would be present; do you not recollect?

Mr. Woods.—No, I must have forgotten that. I did not expect to see anybody but Mr. a'Beckett; at any rate I may have forgotten that. When I got there I had to send off for two of the officers of the Railway department at once. I sent for several, and two of them came. The plan which I have submitted, and which Sir Charles Sladen has alluded to, was one by which the Hobson's Bay Railway would have been brought in on the south side of the line proposed by the Government; in other words, the Hobson's Bay would have been diverted or turned at a point between the South Yarra station and the bridge over the Yarra. It would have been turned or diverted on towards the south bank of the Yarra River, following a course parallel to the line on the plans you see laid out; in point of fact, the plans before Parliament, following on the south side of the line, the suggestion was to make a line, to make earthworks, embankments, and a bridge across the Yarra that would carry four lines, and that two of those lines should be handed over to the company. Of course we would divide the cost between the company and the Government.

Mr. Berry.—That was objected to.

Mr. Woods.—Then perhaps it is not worth while to go into that.



The Hon. Sir C. Sladen.—I do not see that it is, unless it leads to something else,

Mr. Woods.—Very well, it was rejected; they would not entertain it at all, for it ruined their traffic between Richmond and the stations on the Brighton line. An alternative line was suggested by Mr. Elsdon. He suggested to go under the line at the point named, instead of crossing it either above the line or on a level with the line—that there was height enough to do that. This was discussed, and no objection whatever was raised to it; and, in point of fact, Mr. a'Beckett expressed himself as quite pleased with it; but it necessitated raising their line a couple of feet in two places, perhaps a little more. No objection was expressed upon the part of Mr. a'Beckett and those present—the engineer included—to the Government raising the line the necessary amount to enable the Government Railway to pass under their line in a tunnel, provided a stipulation was made that on the Gippsland line no passenger station (the word “passenger” was not mentioned, but passenger is meant, and I think that ought to be included, if this comes to anything), that no station should be nearer to Melbourne than the Orrong road. Then the Company agreed—at least the Conference as far as it went, undertook to make no objection to the Government carrying a line in front of the Hobson's Bay terminus down the centre of Flinders street, to connect the Gippsland line to Spencer street. I think those were the main features of it.

Mr. Berry.—Then so far as the direction of the railway line goes, it is the same as the line in the Bill.

Mr. Woods.—Not altered in the slightest degree.

Mr. Berry.—And the deviations have been, first, that we proposed to cross over at a higher level rather than to cross the railway at certain points on the level, and now we propose to pass under the railway.

Mr. Woods.—That is all, it is nothing but a difference of construction.

Mr. Berry.—Which really ought to be an engineering question entirely.

Mr. Woods.—Yes.

Mr. Sharpe.—The station is the point.

Mr. Woods.—That is the solitary exception. There were one or two matters further which were mentioned, of which I have a memorandum, if you like to hear it read; the Swan street crossing was one. Sometimes, perhaps, they may require to make an underway that is to carry the line under the Swan street crossing, raising the present level of Swan street a few feet, and make the railway that is the new line to accommodate the road traffic; and in that case I undertook if the Bill was carried to recommend the Government to pay half the cost of that. And another thing, they want to lease a piece of ground they have got in their occupation at Sandridge. I also undertook to recommend that, in case of the Bill passing, for thirty years if they want it any time—if they ask to have it leased for thirty years—I undertook to recommend it.

Sir Samuel Wilson.—How much?

Mr. Woods.—I think it is twenty acres; it is a sand hummock, part of which they occupy with workshops, &c. I think it is fenced in close by the hotel, which is next to the station. I undertook to recommend if the Bill was passed through in its entirety. Those are the points; that is the sum total of the negotiation as far as it has gone.

The Hon. R. S. Anderson.—You say there is no alteration in the line whatever?

Mr. Woods.—No, except that I am going to ask for a deviation of thirty chains to apply all over the whole line.

The Hon. R. S. Anderson.—That is to enable different lines towards the terminus to be constructed?

Mr. Woods.—Yes; if it is seen to be advisable afterwards.

The Hon. F. T. Sargood.—How is Swanston street to be crossed?

Mr. Woods.—Level at Prince's Bridge.

Mr. Grant.—Nothing but the goods traffic.

Mr. Woods.—Nothing but the goods traffic, and all at night.

The Hon. F. T. Sargood.—Still Prince's Bridge approach would be crossed at the level?

Mr. Woods.—All on the level. Of course the connexion between the Gippsland line and Spencer street by a tramway down the centre of the street would be of a mere temporary character; you cannot do any permanent work till you have a new bridge where the Falls are, or somewhere near there. I suppose the new bridge about there will be about the foot of Market street, and that will have to be at a higher level than the one you have there now, because the peculiarity of that bridge is this, that while the footway of the bridge itself is out of the water at the highest flood you have three or four feet of water in the highest flood over the approaches, and the bridge is an island in the flood.

The Hon. R. S. Anderson.—Then are we to understand that you want to get a larger deviation so as to be authorised, if you think proper, to make the black line without being bound to make it?

Mr. Woods.—Yes, without being bound to make it.

The Hon. R. S. Anderson.—If you make the other line would you not be bound to pass under the Hobson's Bay line?

Mr. Woods.—It makes not a bit of difference; the crossing is the same in both cases—you cross under in either case.

The Hon. R. S. Anderson.—In either event you go underneath?

Mr. Woods.—In either event you go underneath.

The Hon. Sir S. Wilson.—At both points?

Mr. Woods.—At both points.—[*The honorable member explained the plan to honorable members of the Legislative Council.*]

The Hon. F. T. Sargood.—How do you propose connecting with Sandridge?

Mr. Woods.—Here—[*pointing to the plan*].—we will have a line about there.

The Hon. F. T. Sargood.—Connected with the Hobson's Bay line?

Mr. Woods.—Connected with the Hobson's Bay line.

The Hon. Sir S. Wilson.—Why could you not take the whole traffic through the Hobson's Bay yard?

Mr. Woods.—That has been the objection all through.

The Hon. Sir S. Wilson.—Could not you make an arrangement with them?

Mr. Woods.—Quite easily. If they would make the arrangement we could do it without the least difficulty.

The Hon. Sir S. Wilson.—What is the objection to using the line through the station?

Mr. Woods.—They have 300 or 400 trains a day through there, and our trains will not keep time.

The Hon. R. S. Anderson.—There would be no fencing along the line along Flinders street.

Mr. Woods.—No fence at all, no obstruction of any sort. It would take two or three years to get the bridge at Market street; and then there is the other bridge to build, and you cannot make any permanent work that would interfere with those bridges. All your arrangements must be made with reference to those bridges. In the meantime all the traffic can go on the line proposed to all the suburbs.

The Hon. F. T. Sargood.—Have you had the cost of the line estimated?

Mr. Woods.—I have only had it taken out in a rough sort of way, but I believe it is about £118,000.

The Hon. F. T. Sargood.—As against what?

Mr. Woods.—The original estimate was £117,000. I think it can be done now for £110,000.

The Hon. F. T. Sargood.—By your new plans?

Mr. Woods.—Yes, if we take this line at my cost it may cost a little more for the deep cutting; but that will make up a quantity of ground which will be very valuable.

The Hon. F. T. Sargood.—Does that include the purchase of land?

Mr. Woods.—Yes.

The Hon. F. T. Sargood.—How long would it take?

Mr. Woods.—To bring it into Melbourne, about twelve or fifteen weeks.

The Hon. R. S. Anderson.—The alteration of the deviation from 20 chains to 30 chains will probably meet the views of the Government and answer their purposes, but it will not answer the purposes of other persons whose interests are concerned.

Mr. Woods.—It can be all ascertained afterwards. In the present Bill the only thing you want is to enlarge the present limits of deviation.

At the request of the Honorable Sir Charles Sladen, the Honorable the Minister of Railways promised to supply honorable members with copies of the plan at once, in order that they might examine it before the next meeting.

Adjourned till to-morrow at two o'clock.

THURSDAY, 4TH APRIL 1878.

Members present:

The Hon. Sir C. Sladen,
J. A. Wallace,
R. S. Anderson,
T. J. Sumner,
F. T. Sargood,
J. P. Bear,
R. Simson,
J. M. Grant,

The Hon. J. Woods,
J. B. Patterson,
Mr. Fergusson,
Mr. Munro,
Mr. Orr,
Mr. Gaunson,
Mr. Sharpe.

Mr. Grant.—I think, Sir Charles, that the Conference had better proceed. It is very likely that Mr. Berry may not be able to attend, as he is too busy. He has not sent word to me, but I know that he is very much engaged. I believe Mr. Woods has furnished you with the sketch that was asked for yesterday.

The Hon. Sir C. Sladen.—I overheard Mr. Woods say, with reference to the line, that it was not necessary to set out a new line—that the deviations were sufficient. Now, I think I may state at once—

Mr. Woods.—It is set out.

The Hon. Sir C. Sladen.—I understood Mr. Woods to say just now that they would not be set out, but the deviations given would be sufficient to cover everything. Upon that point I can state distinctly that the Committee of the Council are not prepared to entertain that line, under any circumstances, unless it is clearly set out.

Mr. Grant.—I do not think that there is any great objection to that.

The Hon. Sir C. Sladen.—It would have to be set out, and to be conditioned, that it is to go under and not over the line, and that it is to go through a tunnel.

Mr. Patterson.—There would have to be some little deviation I suppose?

Mr. Grant.—Four chains was mentioned.

Mr. Woods.—No, fifteen chains.

The Hon. Sir C. Sladen.—As set out, fifteen chains is no use.

The Hon. R. S. Anderson.—Mr. Watson said four chains up to Wellington parade, and fifteen chains afterwards. Mr. Watson told me that within the last five minutes.

Mr. Patterson.—It is to limit the deviation at a certain point, and instead of going over the line to go under.

The Hon. Sir C. Sladen.—Yes.

Mr. Woods.—I do not suppose there will be any deviation because we have got the best line we could have there. It would not pay to indulge in cutting at that place.

The Hon. Sir C. Sladen.—No, it is much better to be a tunnel; but that is a very valuable property, and it is better that the public should have the benefit of it.

Mr. Woods.—That is simply a matter of construction—it has nothing to do with the Bill at all. You do not want to have it in the Bill that you must have a tunnel. You might change every three feet of the line according to that—"This shall be embankment, and that viaduct, and that tunnel"—that would be nonsense.

The Hon. Sir C. Sladen.—No; but when you are getting into valuable property in which the public have a great interest, you must go a little more into detail than where you are going through vast plains.

Mr. Woods.—If I had my choice of lines, I would rather make the red line than the lower one on the flat. I have always said so, and that was the reason why I proposed that limit of deviation. I thought at the time that it covered this line, and so it did, except for the alteration that we have had now, involving crossing under their line at the Punt road, where they have got an embankment. That has thrown us further out with a curve otherwise, and in the way we had the line planned out before the limit of deviation covered the line. Not a line has ever been made in the colony yet without some deviation.

The Hon. Sir C. Sladen.—No; but when you come to 15 chains in a circumscribed space it is a great deal.

Mr. Woods.—And 15 chains would be only in this case if we found the flood level or the level of the Hobson's Bay line forced us to cross at another point, not that there is any idea or any chance of it.

The Hon. Sir C. Sladen.—That would be a question which would interfere with going under the line.

Mr. Woods.—Of course it would.

The Hon. Sir C. Sladen.—That occurred to me to be a difficulty.

Mr. Woods.—But if they give us the privilege of lifting their line a little—a couple of feet—we could get under very comfortably without cutting down the chimneys of the engine.

Mr. Munro.—Is there any objection to what Sir Charles asks?

Mr. Patterson.—If it is to be a tunnel there is no objection to its being in the Bill.

Mr. Woods.—Will you show me a Bill with a tunnel in it, or a gate in it, or a cutting in it?

The Hon. Sir C. Sladen.—When you come to such a circumscribed space it is necessary to be much more careful in details.

Mr. Woods.—This is not a political question, it is an engineer's question; you are going to tie the engineer down to a foot. Such a thing was never heard of before. I shall not agree to it.

The Hon. Sir C. Sladen.—You ask us to go in a hurry into the question; we have not had time to go into that, and if we do go into it we must go into it upon certain conditions, and if those conditions are not conceded of course it creates a difficulty.

Mr. Gaunson.—Will you please formulate the conditions you require?

The Hon. Sir C. Sladen.—I have stated one.

Mr. Gaunson.—Will you be good enough to say where the tunnel is to commence and where it is to terminate?

The Hon. Sir C. Sladen.—No, I am not an engineer.

Mr. Gaunson.—Where is the tunnel to be?

The Hon. Sir C. Sladen.—Through the Richmond Park and Wellington Parade.

Mr. Munro.—Where is the tunnel supposed to begin?

The Hon. Sir C. Sladen.—As I understand it will begin somewhere between the Richmond Cricket Ground and the Police Station, and I understand it is to be about half a mile.

Mr. Munro.—That would be at Jolimont street.

The Hon. Sir C. Sladen.—That would come out, looking at the contour of the ground, somewhere, I should take it, about the middle of Jolimont square; of course, that is a point which is of great public importance to that neighbourhood.

Mr. Gaunson.—Why?

Mr. Munro.—No doubt about it.

The Hon. Sir C. Sladen.—It is obvious that it is hardly worth while to explain the reason, I think.

Mr. Woods.—I do not introduce anything like—

Mr. Munro.—Surely this can be arranged by agreement without putting it into the Bill. Mr. Woods objects to put that in the Bill.

The Hon. Sir C. Sladen.—If it is arranged by agreement before the Bill is drawn, what is the objection to putting it in the Bill?

Mr. Woods.—If this is allowed to go on, you could schedule every gate upon the line.

The Hon. Sir C. Sladen.—That may be unnecessary, but I think if you were asked for information, what would be the effect of any line, how many level crossings there would be, and what those level crossings were, and what the probable traffic upon them was, I expect you would feel yourself responsible for giving all that information.

Mr. Woods.—Yes, but it would take an Act of Parliament.

Mr. Patterson.—Is the bridge in the Bill.

Mr. Woods.—Not at all; there is not an engineering work in the colony.

The Hon. R. S. Anderson.—Is not the town of Geelong bridge in a Bill?

Mr. Woods.—Not at all.

Mr. Patterson.—If it is understood it is sufficient. It is understood you shall go there by a tunnel, just as that you will cross the Yarra by a bridge.

The Hon. Sir C. Sladen.—That seems to be the condition under which only I fancy the Committee of the Council care to look at this line, if it is not to be as represented, we do not care to go into it.

Mr. Patterson.—When we say that it is to be as represented, and will be so, what is the use of quibbling any more about it.

The Hon. Sir C. Sladen.—Why not let the Bill cover that?

Mr. Woods.—Because it is not merely unusual, but it is such an evidence of suspicion on the part of the Council that the Government will not submit to it; it is tantamount to saying that if "we give you the Bill you will make a misuse of it."

The Hon. Sir C. Sladen.—Not at all; but if the Hobson's Bay Company say—"On account of the engineering difficulties we do not care to give you this lifting of the line" then we will make use of the deviation.

Mr. Woods.—No; I am quite willing to limit the deviation.

Mr. Patterson.—To four chains?

The Hon. Sir C. Sladen.—It strikes me it is a matter of vast importance; it seems to me to be a condition precedent to any other part of the line.

Mr. Gaunson.—Suppose it were impossible within that deviation to do without a tunnel and without a heavy cutting, would it not be a most improper thing that in the Bill you should say, "It shall be so?"

The Hon. Sir C. Sladen.—But that very difficulty would be one of the obstacles, do not you see; that the public objection to Wellington parade being made a chasm instead of keeping it in its natural beauty, as it is now at all events—that is beauty for those living there—they wish to preserve it now: and if the tunnel be carried right through it remains as it is now, the public get all the benefit of that, and the railway gets as much benefit as it would any other way.

Mr. Gaunson.—Suppose you dispense with the tunnel.

The Hon. Sir C. Sladen.—Then you would have to make a cutting.

Mr. Gaunson.—Suppose that both are got rid of. I do not know whether it is possible or not. What reason, under those circumstances, could there be for sticking it in the Bill, and forcing upon the community generally an enormous expense; how could the interest of a few persons using Wellington Parade be at all weighed in the balance against the funds of the country.

The Hon. Sir C. Sladen.—You are supposing a position that is contrary to the evidence—you may know by looking at the ground—it is manifest to any one looking at it that there is a very considerable rise.

Mr. Woods.—We could not make the ground worse than it is now—we could not make it worse. You talk of a chasm, it is worse than a chasm; now it is a precipice.

Mr. Patterson.—As the point is conceded it is not worth while discussing it at all. The understanding is that it is to be a tunnel, or if we cannot take one another's word it is not worth while going into it.

The Hon. Sir C. Sladen.—If that is the case it is not worth while going into all the minutiae and formality of an Act at all, if words are sufficient. We have known times when we have had pledges given by Ministers which they have not been able to carry out, because they have not been in the position when the time arrived. They have been replaced by somebody else, and of course, though there may not be much probability of that at the present time, we must look at things as they are; and I think that whenever anything is being settled as between the two legislative branches of the Legislature it is as well to make all the conditions explicit, so that there may be no misunderstanding about it. I do not at all fall into that view, that because it is unusual to do this or to do that, that words are as good as a bond, and therefore we should do away with all the formalities of an Act. I prefer the Act myself.

Mr. Patterson.—Suppose we leave that point for a few minutes and go to the next, and see if there is any other objection at all.

Mr. Orr.—I do not think it is worth while to go further—it is a mere waste of time. We shall require an Act of Parliament next to make a road.

Mr. Woods.—So you would—you would require an Act to make a level crossing.

The Hon. F. T. Sargood.—Speaking of level crossings—how many would there be upon this line?

Mr. Woods.—I forget—very few.

The Hon. F. T. Sargood.—From Gardiner's Creek road to Oakleigh?

Mr. Woods.—Orrong road is one—I do not know the rest.

The Hon. F. T. Sargood.—Chapel street?

Mr. Woods.—No, that is not one; you get under that by a bridge. You go under Gardiner's Creek road.

The Hon. F. T. Sargood.—Not at its present level?

Mr. Woods.—No, we alter that present level—raise it four or five feet.

The Hon. F. T. Sargood.—Then go under it?

Mr. Woods.—Then go under it.

The Hon. F. T. Sargood.—How can you do that. I have crossed Chapel street when the flood water was just flush with it.

Mr. Woods.—That was not the height of the Yarra—that was because they had not water way. If we take these works in hand, we shall have to make a water way, and shall always keep that property clear. The municipality have that in hand now, but if we make that line there we shall simply make the line above the flood level of 1863. The reduced level would be above that. Then we should have to make water provision that would drain the whole of that property.

The Hon. F. T. Sargood.—I speak of the 1863 flood.

Mr. Woods.—Yes, we will get the lowest point of our line, except in one place above that level; and that exception is where we dip under the Hobson's Bay Railway a few inches, and we shall have to stop it out there.

The Hon. F. T. Sargood.—In 1863 the water was on a level with Chapel street.

Mr. Woods.—It could not be.

The Hon. F. T. Sargood.—But I assure you I drove over it.

Mr. Woods.—That was at a different point.

The Hon. F. T. Sargood.—I speak of the hollow in Chapel street, between the Gardiner's Creek road and the toll-bar. There is a hollow there.

Mr. Munro.—This comes on the south side of that water-way altogether.

Mr. Woods.—It is fully seven or eight feet higher than that.

Mr. Patterson.—I think we ought to go on and see if we shall be intercepted at any other point.

The Hon. F. T. Sargood.—I have counted upon the map twenty-three level crossings. I do not say that I am right, but I have made enquiries, and as a fact there will be more.

Mr. Woods.—There are a few level crossings upon roads of no consequence.

The Hon. F. T. Sargood.—But those large Government blocks are being gradually cut up with chain and a half roads put through them, and those level crossings will not decrease, they will increase.

Mr. Munro.—You cannot get the right to cross a railway after it is made.

The Hon. F. T. Sargood.—No, you run along then; but, at any rate, there are twenty-three now, and I know as a fact that the Prahran council are moving strongly as against this scheme, mainly upon the ground of the level crossings.

Mr. Woods.—But there are no level crossings in Prahran except the Orrong road.

The Hon. F. T. Sargood.—That is the boundary road between Prahran and Malvern. The plan has been altered, because Mr. Watson told me yesterday that Williams road was a level crossing.

Mr. Woods.—We use the old levels from Gardiner's Creek road. Williams road now is a level crossing.



The Hon. F. T. Sargood.—That is in Prahran.

Mr. Woods.—There is not much traffic upon that ; you cannot get them without level crossings. Upon the outer circle there are sixty-three.

The Hon. F. T. Sargood.—Upon the plan as sketched by the Council, from Hawthorn to Oakleigh there are ten level crossings.

Mr. Woods.—We are not going to discuss that line.

Mr. Munro.—That is not the outer circle that the Government submitted to the Assembly.

The Hon. F. T. Sargood.—No, it is an amendment upon that.

Mr. Patterson.—We are not likely to differ about level crossings. Let us go on and see if we shall be stopped at any other point.

The Hon. F. T. Sargood.—It is a very important point, the level crossings.

Mr. Patterson.—It is no use discussing that. The Assembly would not hear of it.

The Hon. R. Simson.—You must remember that the Council took the best engineering advice about this.

Mr. Orr.—But not a word of engineering advice about the Hawthorn line.

The Hon. R. Simson.—I think that side of Melbourne has great reason to feel aggrieved. This side of Melbourne has several railways coming into it, and the other side of Melbourne have a great ground of complaint in that they have no railway communication.

Mr. Gaunson.—Are the Council delegates deputed to fight out the question of whether the Hawthorn line should be insisted upon by them.

The Hon. R. Simson.—I cannot say they are deputed. They are an elected body equally with yourselves, and they have as great an interest in the country as the Assembly.

Mr. Munro.—But Mr. Orr says that, in the evidence taken by the Council upon the Hobson's Bay line, there was not a word favorable to putting it into the Bill.

Mr. Woods.—I understood that it was understood yesterday that this was the only Bill under discussion, in fact, that was the only thing that would induce the members of the Conference from the Assembly to come here at all. If we can come to an arrangement upon the proposition before Parliament, well and good, if not let the thing come to an end.

The Hon. F. T. Sargood.—Has any estimate been made of the cost of this ?

Mr. Woods.—Yes, many ; but an estimate is nothing even if it is a few thousands ; it is nothing if it brings in the traffic from Gippsland and gives employment to £1,000,000 of borrowed money, it is cheap I say, and it will not touch nor get near the limit fixed by Parliament ; you may leave that to the department and the Government. This Government have never done a political line and do not mean to.

The Hon. F. T. Sargood.—My conviction is that this line, if made, would be money squandered.

Mr. Gaunson.—That is upon the assumption that the purchase of the Hobson's Bay line is the proper thing ?

The Hon. R. Simson.—Not at all ; we do not want to purchase the Hobson's Bay railway.

Mr. Woods.—I contend that the Bill, with the additional deviation imposed upon us by crossing under the Punt road, is absolutely all that is required. And if Sir Charles Sladen, on the part of the Council, states in his place in the Council that this is the arrangement arrived at at the Conference, and either Mr. Berry or myself state the same thing in the Assembly, that thing will be carried out just as much as though it were in fifty Acts of Parliament.

The Hon. Sir C. Sladen.—What is the objection to having anything in an Act of Parliament ?

Mr. Woods.—There is an objection.

The Hon. Sir C. Sladen.—Will you kindly point it out ?

Mr. Woods.—I will. In the first place I would not like to establish a precedent, and in the second place it has a political aspect. I will be quite frank with you. Suppose we send a future Railway Bill up, and suppose that the Legislative Council take this Bill up and say, "Oh ! we inserted a tunnel in one place and a level crossing in another place ; we insisted upon a bridge too, and so now, let me see, I have a property there, or my friend has a property, and we will have a level crossing and cottage and a gatekeeper there"—what is to stop you ?

The Hon. R. S. Anderson.—We can do that without a precedent.

Mr. Woods.—But you never have done it.

The Hon. R. S. Anderson.—There is the power which we never have used.

Mr. Grant.—I think we are all here as sensible men to see and arrive at a fair and reasonable compromise.

The Hon. Sir C. Sladen.—Of course we must discuss this line, and discuss it without being bound by hard and fast lines.

Mr. Orr.—Still it is a very improper thing that by a side wind any discussion should be raised about a power claimed either by the Council or the Assembly.

The Hon. Sir C. Sladen.—It is nonsense to refer to powers at all ; it is a matter of how to come as business men to a practical agreement which will find favour with our respective Chambers.

Mr. Fergusson.—Do we understand that you would be perfectly satisfied if the Government put this project of yours into the Bill ?

The Hon. Sir C. Sladen.—Yes ; it is a *sine qua non* as it appears to me, because if we agree to this line that would be one of the conditions upon which we would do so ; and if that is an established condition I cannot see why it should not be in the Bill.

Mr. Fergusson.—And if that is imposed it is a condition that has never been imposed upon any Government in the colony.

Mr. Gaunson.—Mr. Woods, if you deviate this four and a half chains, and it was not really requisite to make a tunnel—in fact, you could not make a tunnel, as the nature of the ground did not allow a sufficient fall—suppose the deviation takes place that is going to be suggested by the Council, is the fall of the ground so much that you must make it even if you had the four and a half chains ?

Mr. Woods.—It is not ; and when you say a deviation you have some object in doing it. We might have to run a lot of lines for the tunnel before we get the line that would suit best. We should have to sink shafts or sink bores in order to see the strata that we go through ; the tunnel would have to be cut in the best standing strata, and for that reason you might have to flatten out the tunnel or sharpen the

curve, whichever is imposed upon you by the information you get from boring or sinking. The deviation is taken simply for that purpose; four chains—you might limit it to two on each side—it would not make a bit of difference, because we never should have to go, and we cannot do it, outside the two chains in the tunnel. When I said fifteen chains I had in view something that might occur to prevent our crossing the railway, or making it cross at a different level, and possibly the tunnel that would have been necessary would have struck in at another place; but if the members of the Conference wish to have this line as it is marked out upon the plan—the red line limited to four chains—I have told you all along that if I had the choice now, if the line were left to me between the line upon the flat and upon there, I should make the one through Wellington parade. I say if you wish to have it limited to four chains there is not the slightest objection to it. I know we could never go four chains out of it, nor half a chain probably.

The Hon. Sir C. Sladen.—My view of it is that we must go under that point—[*pointing to the plan*].

Mr. Woods.—Yes, quite right.

The Hon. Sir C. Sladen.—And of course there should be an understanding that this—[*pointing to the plan*—]—should not be broken up.

Mr. Woods.—That will not be broken up—[*explaining upon the plan*—]—we only want about twenty feet in the middle; we would fence it in very neatly, and put as many foot bridges as ever you like, and if there is any difficulty about horses we would put up a fence that they could not see it at all.

Mr. Munro.—If there is an absolute promise given in the Assembly publicly that there shall be a tunnel, and that it shall not be made if there is not a tunnel, is not that sufficient?

Mr. Grant.—Before you answer that, I may remind you of the Conference in 1871. You may remember the difference between the two Houses as to the gauge of the railways, and the Conference arrived at a joint resolution that a statement should be made in the House, or a resolution read in the two Houses which got over the difficulty without committing ourselves to any decided answer upon the question.

Mr. Munro.—The gauge was not put into the Bill.

Mr. Grant.—No, it was not, but that was the way we got over the difficulty by a statement being made in both Houses as to the understanding arrived at outside the Bill.

The Hon. Sir C. Sladen.—With regard to the gauge?

Mr. Grant.—Yes, and that was a much greater difficulty between the Houses than this, and I should be very glad to see some way to get over this.

The Hon. Sir C. Sladen.—Have you information enough now, Mr. Woods, to inform us whether it is possible or whether you intend to bring the line under Chapel street?

Mr. Woods.—Under Chapel street, certainly.

The Hon. Sir C. Sladen.—Will Chapel street have to be raised?

Mr. Woods.—Yes.

The Hon. Sir C. Sladen.—Much?

Mr. Wood.—No, about four feet.

The Hon. Sir C. Sladen.—What length of line will that go over?

Mr. Woods.—Spread over about thirty chains, running off to nothing at both ends.

The Hon. Sir C. Sladen.—Would that be below the present toll-bar?

Mr. Woods.—No, the toll-bar is fully fifteen feet above the lowest part.

The Hon. F. T. Sargood.—Have those sections been submitted to the Prahran council?

Mr. Woods.—No, the Prahran Council can have no earthly objection to this, and when I say that, in crossing Gardiner's Creek road, there is another opportunity for carrying a road-bridge over the railway. It is in the hollow. We could cross upon the present level and then take advantage of the natural features of the ground there and throw a bridge right over the railway, so as not to interfere with anything upon the Williams road.

The Hon. F. T. Sargood.—You could hardly cross upon the present level; that is under water.

The Hon. R. Simson.—It was under water on Saturday night, 5 feet.

Mr. Woods.—That is not where we cross. In all cases we keep our line above the flood level.

The Hon. R. Simson.—How near has the water been to the bridge, that is over Chapel street now in the highest flood?

Mr. Woods.—I do not know.

Mr. Munro.—At the point we are going to cross it was within 3 feet 6 inches.

Mr. Woods.—We cross near the little brick place.—[*The honorable member explained the plan to the Honorable Sir Charles Sladen.*]

The Hon. Sir C. Sladen.—I understood you to say yesterday that this would not be a competing line; in fact, if the Government undertake that there shall be no stations to interfere with the present line nearer than the Orrong road.

Mr. Woods.—Yes.

The Hon. Sir C. Sladen.—How do you propose to secure that?

Mr. Woods.—By private agreement between the Board of Land and Works and the Hobson's Bay Railway.

The Hon. R. S. Anderson.—I would mention that Mr. England called upon me to-day and said, that he and Mr. Stewart had talked over the question about an agreement with the Board of Land and Works and the Railway Company with reference to the traffic not being taken up by the Government nearer to Melbourne than the Orrong road, and they were decidedly of opinion that it involved a question of public policy in respect of which the Board of Land and Works could not bind succeeding Ministries or succeeding Parliaments, and it should be in the Bill.

Mr. Woods.—I object to its going into the Bill.

Mr. Patterson.—That would be a matter rather to be arranged between the company and the Government, than between the two Houses; it is more a question for the company than for us to consider. We had better confine ourselves to the line, and whether it is practical to be done.

The Hon. Sir C. Sladen.—But if the Legislature sanctions a line of railway which upon the face of it shows it to be a competing line, or in a position to be a competing line, with a line made under the sanction of the Government, I do not think that it is a matter beyond the consideration of the Conference to deal with. I do not think it is a question between the Hobson's Bay Railway and the department; because you must recollect that if the Legislature sanctions this line it gives the Victorian Railways a

vantage ground, which, once having been given, it would be very difficult for a private company to contend with; and it appears to me that when you are arming the Victorian Railways with a power of that kind, if there is to be a condition of any kind, that condition should be stated, as all other such purposes are in the Bill. I cannot help thinking either that there is no doubt upon the face of it, and certainly it was consistent with the evidence that was taken that this would be considered a competing line. I do not know whether the Orrong road is the place or not; but if there is to be a limit it appears to me that that limit should be expressed. Both parties are satisfied with it, and there cannot be any objection to its being expressed.

Mr. Patterson.—Another question arises—we shall soon have a line to Frankston and Hastings, and all that large settlement at Prahran will have to be accommodated with firewood and so on, and if you put the nearest point at Orrong road, and the Frankston line branches into the line we are now considering, you do a great injury to all the people.

Mr. Woods.—No, it only alludes to passenger traffic, we can bring firewood and goods whenever we like. That is a mistake that has been corrected between the company and myself. I pointed out to Mr. Finlayson that the word “passengers” had been left out by mistake, and they agreed to that, and they said that the word should be put in the agreement, and we should stop with sheep or any other traffic at any point, but we should not compete with them for passengers, that is all.

The Hon. Sir C. Sladen.—Do you see any objection to a clause like that being put into the Bill—it seems to be only a reasonable one?

Mr. Orr.—It seems to resolve itself into a legal question if the Board of Land and Works have not the power to make the agreement that shall be binding. I cannot see any objection to its being in the Bill.

The Hon. Sir C. Sladen.—How do you get over the point I suggested now that, having given a vantage ground, how is the company to get over it?

Mr. Woods.—Because you have an agreement.

The Hon. Sir C. Sladen.—That may be understood now, but ten years hence it may not be.

Mr. Woods.—If you pass the Bill as it is it is upon the understanding that we have no right to do it, and between now and next session of Parliament how could we? Only the Hobson's Bay Railway Company somehow discover that somebody else can break through it. What effect would that have upon an Act of Parliament to give effect to the agreement.

Mr. Patterson.—You cannot put into a Bill that you cannot do so and so.

The Hon. Sir C. Sladen.—Why not. Why not put in that you shall not be a competing line with the Hobson's Bay Company?

Mr. Patterson.—You put into a Bill what you are going to do, not what you are not going to do.

Mr. Gaunson.—This point really involves a further point. I quite see Sir Charles Sladen's motive, and I think he is perfectly entitled to ask for that so far as this point is concerned, but the further point involved is this. Is this so-called agreement or recommendation that the Hobson's Bay Company are to have this land leased to them for a period of thirty years also included in the Bill.

The Hon. Sir C. Sladen.—I do not quite understand the allusion.

Mr. Gaunson.—It is the same point; it is a mere elaboration of the same point which is, as to whether you shall include this agreement that there shall be no station for passenger traffic nearer to Melbourne than the Orrong road; between Melbourne and the Orrong road, than the Orrong station itself. Sir Charles Sladen says that he sees no reason why it should not be in the Bill if an agreement is to be come to of that kind. I see no objection to it either in equity or in reason, and I should support it if it comes to that. On the other hand, it involves the other so-called agreement that the Government shall give a lease of this land for thirty years to the Railway Company.

The Hon. Sir C. Sladen.—What is this land, I never heard of it before?

Mr. Gaunson.—It was mentioned in the Conference yesterday.

The Hon. Sir C. Sladen.—I did not hear it.

Mr. Gaunson.—Sir Charles, Mr. Woods mentioned it yesterday.

Mr. Grant.—It is not before the Conference at all.

The Hon. Sir C. Sladen.—I really do not know what Mr. Gaunson means.

The Hon. J. A. Wallace.—It was mentioned yesterday that a piece of land at Sandridge—about twenty acres of land—was to be leased for thirty years.

Mr. Munro.—What Mr. Woods said was that he would recommend that, but he did not say we agreed to it.

The Hon. R. S. Anderson.—When the time comes I mean to ask Mr. Woods upon what grounds he would make that recommendation. I cannot see the justification for it personally at present.

Mr. Munro.—If the Conference has nothing to do with it, why should we trouble with it.

The Hon. Sir C. Sladen.—I do not see, I do not think it is at all analogous, for if the Government chose to give them the power of leasing land there, it appears to me that that would be the subject of a separate agreement.

Mr. Grant.—Would you not be quite satisfied with the public assurance that the Government have no intention whatever.

The Hon. Sir C. Sladen.—All this difficulty arises from the necessity of time. It is necessary to prorogue. Everybody wants to get to the end of the session, and therefore we are jammed up in a corner for time, and we have not had an opportunity of fortifying ourselves with arguments as we should be fortified if we had time, and we are obliged to be a little more exacting as to details than under other circumstances.

Mr. Munro.—Would it not be sufficient to say that until further legislation there should be no passenger traffic nearer to Melbourne than the Orrong road? The question has been a very hurried one; it comes so both upon the Council and the Assembly.

Mr. Gaunson.—No legislation can bind succeeding Parliaments, and no matter whether you put that in a Bill or not it does not prevent a future Parliament altering it.

The Hon. Sir C. Sladen.—I beg your pardon, it does make a difference—legislation does bind people; legislation is like a system of guarantees, and there is no guarantee without consideration. I do not mean to say that an Act of Parliament is not omnipotent to do everything.

Mr. Gaunson.—That is the whole point.

The Hon. Sir C. Sladen.—No, it is not the whole point, for where there are circumstances showing that consideration has been given for property, then more consideration is given in dealing with it afterwards.

Mr. Gaunson.—And supposing a succeeding Parliament will not give that consideration—there is nothing to make them.

The Hon. F. T. Sargood.—My conviction is that, even if it were put in the Bill, it would not be law very long, for all the people living there would bring such pressure to bear upon the Ministry that it would be altered.

Mr. Grant.—I agree with you, but you ought to be satisfied with a public assurance.

The Hon. Sir C. Sladen.—I agree with you, it is quite enough.

The Hon. F. T. Sargood.—I understood you yesterday to say that this line is to cross Swanston street upon a level.

Mr. Woods.—Yes.

The Hon. Sir C. Sladen.—Is that mentioned in the Bill?

Mr. Woods.—No.

The Hon. F. T. Sargood.—To bring the whole of the traffic from Gippsland across Swanston street.

Mr. Woods.—Only the goods traffic, and that is by night.

The Hon. F. T. Sargood.—I understood there were to be 130 trains a day.

Mr. Woods.—I hope you will live and be happy to see them.

Mr. Orr.—Ten horses and five men can do double what the calculations depended on at present show, between twelve at night and four in the morning.

The Hon. F. T. Sargood.—Bring in a line—I do not care what line it is, if it be upon the level there it is, I think, fatal to any scheme, and I certainly will not agree to any such scheme as this—I think you might as well pitch the money into the Yarra.

Mr. Patterson.—Then you had better consult your fellow members upon that point—the red line or not.

[*The members of the committee of the Legislative Assembly withdrew, and after the lapse of twenty minutes returned.*]

The Hon. Sir C. Sladen.—Gentlemen, the committee of the Council have, in the interval since you left the room, taken the whole of this matter into consideration, and they have come to a decision, though not a unanimous one, that, under the circumstances at present before them, they are not able to concur in the proposed line before us.

Mr. Woods.—Before separating I would ask this—looking at the circumstances as they stand—is the Legislative Council prepared to stand in the way of the line coming a few miles down further towards the Dandenong road—are we to leave it in a quagmire as it is, or are we to take as much of the Bill as will bring it to the Dandenong road?

The Hon. Sir C. Sladen.—Would not the best way out of the difficulty be to have some money spent in making the road to make it passable. I do not think it would be wise for either the Assembly or the Council to make two bites at this. After you leave Oakleigh it would be wise to understand what the terminus shall be, and how it shall be reached.

Mr. Woods.—The question will decide itself in a very short time as soon as the line to Frankston is made; the Legislative Council will not stand in the way of the line to Hastings being made, for that is part of our defence scheme, and the Government will be justified in going on with it under any circumstances.

Mr. Gaunson.—Is the objection to going on with the Bill founded upon the ground that there is a level crossing at Swanston street?

The Hon. R. S. Anderson.—This is only part of the business that brought us here—there is the Goulburn Valley line.

Mr. Munro.—We will leave it in the valley.

Mr. Gaunson.—I think that this Conference has been simply brought forward on the part of the Council to protect the interests of the Hobson's Bay Railway.

The Hon. F. T. Sargood.—I give an absolute denial to that.

The Hon. Sir C. Sladen.—The Hobson's Bay Company have had nothing to do with the action of the Council upon the subject—nothing whatever.