

<p>Ayes. The Hon. M. Fraser The Hon. R. J. Walcott Mr. Drummond Mr. Phillips Mr. Brown Mr. Shenton Mr. Steere Mr. McKail The Hon. F. P. Barlee (Teller.)</p>	<p>Noes. Mr. Gull Mr. Moore Mr. Logue (Teller.)</p>
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Question thus passed.

The Bill was read a third time and passed.

BANKRUPTCY AND INSOLVENCY BILL.

Recommittal.

Mr. STEERE moved to recommit the Bill for the purpose of amendment.
Question put and passed.

In Committee.

Mr. STEERE moved the following amendment—

Clause 63—

To add the following words: "any scale of fees made in pursuance of this section shall be laid before the Legislative Council within three weeks after they are made, if the Legislative Council be then sitting; and if the Legislative Council be not then sitting, within three weeks after the beginning of the then next session of the Legislative Council."

Amendment agreed to.

Bill reported, with a further amendment.

Third Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

RAILWAY AND TELEGRAPH BILL.

Second Reading and Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

The Bill was read a second time, and passed through Committee, without discussion.

THIRD READINGS.

The following Bills were read a third time and passed, on motions by the Colonial Secretary (Hon. F. P. Barlee): Fraudulent Debtors Bill, Lunacy Bill, Capital Punishment Bill, and Electro-Magnetic Telegraph Company Bill.

The Council adjourned at 9.15 p.m.

LEGISLATIVE COUNCIL,

Thursday, 29th December, 1870.

Local Boards Bill: select committee report—Wild Horses and Cattle Nuisance Bill: first reading.

The SPEAKER took the Chair at 4 p.m.

PRAYERS.

LOCAL BOARDS BILL.

Select Committee Report.

Mr. STEERE brought up the first report, and moved that the same be printed.

Question put and passed.

WILD HORSES AND CATTLE NUISANCE BILL.

First Reading.

Mr. STEERE, in the absence of Mr. PHILLIPS, the member in charge of the Bill, and in accordance with notice, moved for leave to bring in a Bill for abating the wild horses and cattle nuisance.

The Bill was read a first time.

The SPEAKER informed the House he had just received a telegram from Mr. Phillips, who was detained in Fremantle.

The Council adjourned at 4.15 p.m.

LEGISLATIVE COUNCIL,

Monday, 2nd January, 1871.

Notice of Motion—Paper Tabled—Police Ordinance, 1861, 35th Section Repeal Bill: first reading—Thompson's Road Steamer: in committee—Vaccination—Estimates: in committee—Assent to Bills: Message from the Governor, No. 4—Classification of Clerks—Estimates: in committee.

The SPEAKER took the Chair at 4 p.m.

PRAYERS.

NOTICE OF MOTION.

Mr. NEWMAN said that he presumed his notice of motion for Thursday last lapsed in consequence of his being absent on that day.

The SPEAKER: No person brought it forward.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the best answer to the hon. gentleman's question would be to place upon the table the estimate of expenditure which he called for.

PAPER TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) placed on the Table of the House some correspondence that had taken place between the Western Australian Telegraph Company, the Electro-Magnetic Telegraph

Company, and the Government, in which the former propose handing over their present stock to the latter company, for the sum of £1,000. The terms proposed have been accepted by the Government, subject to the sanction of the Legislative Council.

The Clerk read the correspondence.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he had the correspondence read so as hon. members would be in a position to learn why he proposed to place the sum of £435 on the Estimates for the working of the telegraph. It would be necessary to have a building in Perth for the purpose of carrying on the telegraph business throughout the colony. Additional clerks would have to be engaged, and postmasters, who would undertake additional duties, would require some small increase in their pay; at present operations would only be carried on between Perth and Fremantle.

POLICE ORDINANCE, 1861, 35th SECTION REPEAL BILL

First Reading.

Mr. MONGER, in accordance with notice, moved for leave to bring in a Bill for repealing the 35th Section of the Police Ordinance, 1861, and to enact another in lieu thereof.

The Bill was read a first time.

THOMPSON'S ROAD STEAMER.

In Committee.

Mr. STEERE, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, requesting him to cause the sum of £1,000 to be placed on the Estimates, to be appropriated to the purchase and introduction into this colony of an eight-horse power Thompson's road steamer, and the fittings necessary for the carriages to be attached to the same.

He said much difference of opinion had been expressed as to the propriety of getting one of these engines out to this colony. He could only say that the reports he had read, were all in favor of them, and the simplest way to solve the question would be to get one of them. He believed that one of these steamers would do all the work required in this colony for some time to come. He was sorry the Hon. the Colonial Secretary gave such a bad account of the road steamer he saw in one of the other Australian colonies, yet, however, he could not agree in opinion with the hon. gentleman. Within the last few days he saw a report of the performance of one of these steamers, which was read before the House of Parliament—and they must put

some confidence in such reports—and in this report it stated that the steamer not only went over rough roads, but even over ploughed fields, and in his opinion if it did that, it would go over most of the roads in this colony. He put down an eight-horse power engine, because if the larger engine was procured, it would entail expenditure in strengthening the bridges and in other ways. The carriages could be built here as well as elsewhere. If the engine did not answer, it could be made useful in some other manner. It would not be money thrown away.

The COLONIAL SECRETARY (Hon. F. P. Barlee) did not consider the mode of proceedings correct; it was not a question of finance.

The ATTORNEY GENERAL (Hon. R. J. Walcott) supported the views of that hon. gentleman.

The SPEAKER referred hon. members to clause 19 of the Rules, and said if that was not a question of finance, he did not know what was.

The COLONIAL SECRETARY (Hon. F. P. Barlee) concurred with the Speaker and said he was correct.

Mr. STEERE asked members to accept his motion.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that he did not rise for the purpose of opposing the resolution, but before putting it to the Council, something more was required from the hon. member who introduced it. The hon. gentleman said he was sorry he (the Colonial Secretary) could not speak more favorably about Thompson's road engines. He had always entertained a high opinion of these engines, and his enquiry caused him as much regret as the hon. member. He certainly could not reconcile the reports he had read about them with what he actually saw in the other colonies. There had been only one as yet introduced into the colonies, and he heard from the engineer who came out with it, that it was worthless in the colonies, and that it had completely failed. If he thought there would be any chance of its succeeding here, he would have purchased it, so much was he impressed in its favor. He, however, saw it at work—had steam put upon it, and he was quite satisfied that it was perfectly useless in its then condition. He had seen the report referred to by the hon. member for Wellington, and he could not certainly reconcile it with what he saw. He had no doubt, in time, it would prove exceedingly useful, but at present he considered it would be unadvisable to introduce one of those steamers. Before incurring such an expense

here, the Council should consider what line of road they would work it upon, the bridges over which it would pass, as he did not believe it would pass on our description of roads—it required roads perfectly smooth to work upon. If it could be made useful, the best work it could be put upon would be from Green Mount, to Perth, Guildford, and Fremantle, to bring down stones for metalling the roads and streets. He would give his vote, but it would be on the understanding that the result would prove that it would perform the work anticipated. It would be something like the steam dredge. The sum of £1,000 was however too low; it should be at least £1,500, because it would be necessary to get an engineer who understood the working of it, to come with it, and such a person could not be got for less than £150 per annum, irrespective of passage. He would suggest that a report of the roads and bridges over which the road steamer would pass be made, and sent Home with the order for one, and the party interested at Home could then satisfy himself whether it would work or not.

The SURVEYOR GENERAL (Hon. M. Fraser) mentioned, for the information of the House, that in 1867, in Canterbury, New Zealand, he was called upon to gain some knowledge of these road engines. The information he gained was not favorable the engines work well on smooth roads, but they do not act in rough roads like there were in this colony: in fact, when they got in a hole they plunged and got out of gear. He did not think the colony was in a position to expend so large a sum of money by way of experiment.

Mr. SHENTON said he would support the motion of the hon. member for Wellington. He could not conceive the reports about the road engines could all be wrong. The engine, if it did not answer, could be turned to some other useful purpose, and would not prove a loss to the colony.

Mr. STEERE referred to the remarks of the Hon. the Colonial Secretary—that the engine would not work on rough roads. Now the report distinctly said that it could, and in fact did, work in any way. It had been said if the engine got into a hole it could not get out. Now the report said it could. The engine was put into one of these holes, and it got out with perfect ease. He never saw anything which would speak more favorably of them.

The ATTORNEY GENERAL (Hon. R. J. Walcott) thought an opinion should be obtained from England before purchasing one.

Mr. STEERE said he would not object to doing so, but could not possibly see what further information could be procured.

The COLONIAL SECRETARY (Hon. F. P. Barlee) thought it would be advisable to put in the resolution the description of roads upon which it was intended the engine should work.

Mr. DRUMMOND considered that £1,000 invested in the purchase of one of these road engines would be money well expended. Some confidence must be placed in reports coming from such quarters. He would therefore support the hon. member for Wellington.

Mr. STEERE remarked that the Hon. the Surveyor General spoke of the engine as it was in 1867; the report he referred to was April, 1870.

The SURVEYOR GENERAL (Hon. M. Fraser) said he was aware some slight improvements had been made in them in that time.

Mr. DRUMMOND said the report before them stated that many and great improvements had been made in them.

Question put and passed.

VACCINATION.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved that a perusal of the circular despatch from Her Majesty's Principal Secretary of State for the colonies, dated 17th October, 1870, on the question of compulsory vaccination does not, in the opinion of this Council, call for fresh legislation inasmuch as vaccination was made compulsory in Western Australia by the Ordinance 24, Victoria No. 11.

Question put and passed.

ESTIMATES.

In Committee.

Resumed debate.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that before making any remarks upon the Estimates he purposed giving the hon. member for Fremantle an opportunity of making any observations he might wish on the returns which he had placed in his hands, but as that gentleman reserved his opinions for the present, he would now proceed with the notice of motion standing in his name. There seemed to be an impression on the minds of some, if not all, that he held a different opinion to some of the House relative to their right to appropriate and to control the expenditure of the public money. Now there really was no difference of opinion on those points. He

knew what his duty was in a representative Assembly, and he was prepared to uphold the privilege of the House; and he also knew his duty to the Government, and it would be his wish to uphold their views therein. With these few remarks he would now put before the House the first resolution:—

That it is the undoubted right of this Council to appropriate all revenue appertaining to this Colony and to limit its expenditure, and that it is the duty of the Executive to adhere to such appropriation and limitation, when the Appropriation Act has become law.

That, with a view to the exercise of a proper control over the Public Funds, and in order to allow as little latitude to the Executive as is consistent with the exigencies of the Public Service, this Council records its opinion that it will be the duty of the Government to summon this Council with the least possible delay at any time, should excess of expenditure become necessary, or even imminent.

That in order to provide for sudden emergencies, and to prevent such constantly recurring meetings of the Legislature as might be conducive of great inconvenience to members without any commensurate public advantage, this Council is prepared to vote a sum, not exceeding £3,000, to be placed at the disposal of the Executive, for contingencies; provided, always, that an exact account of such expenditure be laid on the Table of the House within ten days of the opening of the ensuing Session.

That, in excess of that sum, the Executive be authorized to use its discretion—without specially summoning the Legislature to take a vote—in all such matter as Refunds, Drafts between Stations, Remittances to Crown Agents for Current Expenditure, and other matters of ordinary routine, which do not involve expenditure that can be avoided. All detail of such expenditure to be submitted to the Council at its next Session.

He thought that in these resolutions he had pointed to what was the duty of the Government, and he hoped the resolutions he had put would be carried by the House, although it was not very material to him whether they were carried or not, but he believed if they were that they would be a convenience to the House. If passed, it would not be necessary to summon members to the House to give a vote or an opinion upon matters upon which there could be but one

opinion, because the Government would not undertake any expenditure unless they were forced or actually called upon to do it. It must be borne in mind that although an estimate for 1871 had been carefully prepared, yet many unforeseen things might occur which would involve expenditure, and to approve which it would be unnecessary to summon members. He had, therefore, suggested that the sum of £3,000 should be placed at the disposal of the Executive to meet any contingency, and he considered that that was a reasonable sum. It must be obvious to men of business, and there were several in the House, that when they determined to build a house, or undertake any other work, after carefully calculating the cost, to allow a margin of 10 per cent. He only asked, on the Estimates now before the House, the sum of £3,000, which was a very small amount. In some years he had known the expenditure to exceed the revenue some £9,000 and £10,000, and even an expenditure of £25,000 on a revenue of £54,000, which of course he considered out of the way altogether, but whenever the expenditure exceeded the Estimates there was always attached a full explanation of the various items of that expenditure. The over expenditure for 1870 was heavy, but on inquiry it would be found that it could not be avoided. He could not place before the House the account for 1870, even if they sat for the next three months, as he would not receive the accounts from the Crown Agent until March, and it would therefore be impossible to do so, however much it might be wished to be done, and however desirable it was to close the Estimates of the past before proceeding to the Estimates for the ensuing year. He hoped the explanation he had given would shew the House why he had brought the resolutions forward. He was indifferent whether they objected to them or not. If they objected to them the House would only have to be summoned once a month.

The SPEAKER said that as it was in consequence of his remarks on the speech of the Hon. the Colonial Secretary that the resolutions now before the House had been submitted, he would make a few observations. The Estimates before the House for 1870 shewed the revenue at £102,000, and on the 8th December last it had exceeded that sum by £14,000, and no doubt by the end of last year had considerably increased over that sum. It was a matter of complaint on the part of the people that they had no voice in spending their own money. Now they had that right, and he was glad to find that the Government

was coming over to his views. It had been said that the excess of expenditure would occur again. He said it would not occur again,—at least if he had any power to prevent it. He had had some conversation with the Hon. the Colonial Secretary, and with the Governor himself, on the subject, and the Governor quite concurred with him. He had no objection to the 1st clause. In the 3rd paragraph the sum should be reduced to £2,000—it would be ample margin. In talking the matter over with the Governor, His Excellency said he would not ask more than £2,000. He did not like the 4th paragraph, because it left room for the unauthorized expenditure of public money.

Mr. STEERE quite agreed with the Speaker. The two first clauses merely express truisms,—that they had the right of spending their own money, and he would not cavil at those resolutions. But he saw no reason why a sum of money should be given up then. After the Estimates had been passed, then a certain sum could be given the Executive, as might be deemed requisite. As to the "bug-bear," that if certain things were not done the members would be called together every day, he could only say that it would be very bad financing if there was a necessity of calling them even once a month. If the over expenditure of £14,000 was necessary, he would not cavil at it, but it was extremely difficult to know what expenditure the Executive deemed necessary, and the House should not give them the power of expending the public money. With regard to the two last paragraphs, by which they were virtually called upon to give up their right over the public funds, he would move that they be not agreed to.

Mr. GULL felt that the remarks that had fallen from Mr. Speaker and the hon. member for Wellington so fully expressed his views on the subject that it was unnecessary to add anything further to what they had said. He would second the motion of the hon. member for Wellington.

Mr. SHENTON said that after the financial statement which had been placed on the Table of the House, from which it appeared that £14,000 had been expended during the first 11 months of the last year more than was authorized, he could not see how the House could be asked to approve the resolutions before it. The Government had not shown much providence in spending the public money. He did not care about the Council being called together so often as it was said would be necessary, but he would say the Government had a bad financier if it

was necessary to call the Council together even once a month, and the sooner they made an alteration the better.

The ATTORNEY GENERAL (Hon. R. J. Walcott) stated that he had not intended to have taken any part in the debate on this resolution, but he would ask if hon. members had read it attentively? Did they know to what it refers? The words were—"That in excess of this sum the Executive is to use its discretion," &c., &c. That discretion was not to give them power to expend £14,000, or anything like it. There were certain amounts which the Government must have, and which it would be useless for the Council to be called together for. He would instance the amount for refunds. He condemned the conduct of the Speaker in taking such a leading part in the opposition. He sat in that House as judge, and as soon as he took the side of a partizan in debate, he would necessarily lose that confidence which he should possess. The office of the Speaker was judicial, and he should only exercise his right of voting. There was a recognized leader of the opposition, but Mr. Speaker had usurped his place, especially on all matters of finance. He considered the Speaker should refrain from making any such remarks as he had, and confine himself to matters that particularly affect his constituents. He certainly should not take a leading part in discussing measures brought forward by the Government.

The SPEAKER said that he had already spoken clearly and distinctly on this matter on a former occasion. The City of Perth returned two members—Mr. Carr, the Chairman of Committees, and Mr. Leake, who was appointed Speaker. Consequently, unless exercised the privilege of a member when the House was in Committee, Perth would not be represented at all. He was aware that in the House of Commons and in other large assemblies it was unusual for the Speaker to take any part in the debate, but the House was differently circumstanced here. He had no desire to be Speaker of the House, and he would rather be an untrammelled member of the House. On points of finance, and on over-expenditure of public money, he felt called upon to speak. The House was not large enough, and could not afford to have two members shut upon. Some go so far as to say that he had not the right to protect the interests of Perth, and even to vote. As long as he was in that House, however, he would both speak and vote.

Mr. STEERE stated that in no Parliament or House of Assembly was ever such insulting and unjustifiable remarks made upon any

Speaker as had that day been made on the Speaker of this House. Since the Hon. the Attorney General came to the House he had presumed to lecture them as to how to proceed, and to give them information on various matters, and in 99 times out of 100, he was wrong. He hoped the House would resent the attack made upon the Speaker.

The ATTORNEY GENERAL (Hon. R. J. Walcott) denied he had made any insulting remarks. He merely said that if the Speaker took part in the debates of the House, he would necessarily lose the respect due to the Speaker in the Chair. The Speaker could not claim the privilege of his robe when he descended to the arena of debate, and no one in the House had more respect for the Chair, and for all constituted authority, than he had. He quite agreed with the hon. member for Wellington, that in no other part of the world would they have heard such remarks about the Speaker, simply because in no other part of the world does the Speaker take such an active part in the debate. He did not use any insulting remarks to the Speaker. He had always given his opinion on points of law when asked, but he saw some 10 or 12 other lawyers in the House (Hear, hear, and laughter), who could give an opinion as well as he could. He never put forward an opinion and he was aware that his opinion could be wrong. He could not accept the statement of the hon. member for Wellington, simply because he asserts it. There was nothing of the hector or bully about him, but when he was asked an opinion, he gave it. He only on one occasion volunteered an opinion, and that was when he saw legislation going wrong.

Mr. DRUMMOND said that he would move that paragraph No. 3 stand. If they could not trust the Government with £3,000 they must have small confidence in it. He would move that paragraph 4 be struck out, though it would necessitate their being called together once a month. He had, however, a better opinion of the financial ability of the Hon. the Colonial Secretary, and that gentleman could so arrange matters as not to render that necessary.

The SPEAKER considered that that was not the time to discuss the matter. After the Estimates had been passed, then would be the time to say what the amount will be.

Mr. DRUMMOND stated that he would object to £3,000 being lowered to £2,000.

The SPEAKER: £2,000 would be ample margin.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that hon. members were quite out of order in assuming that discussion on

the resolutions should be subsequent to passing the Estimates. The resolutions had been on the books of the House more than a fortnight, and if the hon. member for Perth wished the discussion subsequent to the passing of the Estimates, he could have mentioned the matter.

The SPEAKER: The member for Perth was in the Chair, and was not in a position to give notice of motion.

Mr. NEWMAN agreed with the hon. member for Toodyay. The amount of over-expenditure in 1861, £25,000, and in 1870, of something over £14,000, shewed they (the Government) had not much discretion about the matter. He would support the motion to leave out paragraph 4 altogether.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he would make a few remarks on what had fallen from hon. members. It appeared to be the general feeling to find fault with what was not before the House, and condemn the Government for a sin they had not committed. Finding fault with matters they were not acquainted with was about the most unreasonable thing he ever heard. There was one subject to which he would refer, and it was painful for him to do so, but he must say that he entirely concurred with everything that had fallen from the Hon. the Attorney General relative to the Speaker, and he considered the words "insulting, &c," used by the hon. member for Wellington to the Hon. the Attorney General, were more applicable to the hon. gentleman himself. He had already pointed out to the Speaker the result of his taking part in the debates. The hon. gentleman for Greenough, who had taken an active part in the opposition, accused him of intimidation, and of being a bad financier. He was aware he was a young man; he was aware he had to learn his parliamentary business, and even the meaning of words; and he was sure no gentleman in that House would use towards him the words that had fallen from the member for Greenough. He could therefore afford to pass them over, and treat them with the contempt they deserved. The hon. gentleman then explained the necessity of the Government being placed in funds to meet certain expenses not requiring legislative action—refund—which was a drawback on goods purchased by the Imperial Government in the colony, and also money which would be required for the residents in Roebourne and Geraldton. He did not care whether the House passed the 3rd paragraph or not, but he did regarding the 4th, as it would obstruct public business were it not passed.

Mr. McKAIL proposed some alteration in the wording of the resolutions.

The COLONIAL SECRETARY (Hon. F. P. Barlee) was quite willing to put it in any sense, so long as it was common sense.

Mr. BROWN fully endorsed what had been said by the Hon. the Colonial Secretary, but he objected to certain items for remittances to Crown Agents, for the purchase of a stone crusher, stationery, &c., which were provided for on the Estimates; and without some further explanation he would certainly vote against it.

Paragraphs 1 and 2 were agreed to.

Mr. STEERE moved that paragraphs 3 and 4 be struck out.

Amendment put, "That paragraphs 3 and 4 be struck out," upon which a division was called for, the result being as follows:—

Ayes	4
Noes	12

Majority against 8

Ayes.	Noes.
Mr. Steere	Mr. Bussell
Mr. Shenton	Mr. Manger
The Speaker	Mr. Moore
Mr. Gull (Teller.)	Mr. Newman
	Mr. Logue
	Mr. Brown
	Mr. Drummond
	Mr. Phillips
	The Hon. R. J. Walcott
	The Hon. F. P. Barlee
	The Hon. M. Fraser
	Mr. McKail (Teller.)

Amendment thus negatived.

Mr. BROWN repeated his objection to remittances for certain items named; and asked the Hon. the Colonial Secretary for information, as he considered the £3,000 given to the Government fully met everything. He said he would move an amendment.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that the hon. gentleman intended moving an amendment, and he really did not understand the question at all. The hon. gentleman explained that there was no authority on the Estimates to remit money Home. Money was sent Home and afterwards charged against each department.

Mr. BROWN said he was glad of the information given but it was not sufficient to induce him to withdraw his amendment.

Amendment put, "That clause 3 as amended stand part of motion," upon which a division was called for, the result being as follows:—

Ayes	7
Noes	9

Majority against 2

Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Logue	The Hon. R. J. Walcott
Mr. Brown	The Hon. M. Fraser
Mr. McKail	Mr. Phillips
The Speaker	Mr. Newman
Mr. Shenton	Mr. Moore
Mr. Steere (Teller.)	Mr. Manger
	Mr. Gull
	Mr. Bussell (Teller.)

Amendment thus negatived.

Question (Resolutions) put and passed.

ASSENT TO BILLS.

Message from the Governor—No. 4.

The SPEAKER announced the receipt of the following Message from His Excellency the Governor:—

His Excellency The Governor has, this second day of January, in the year of our Lord, 1871, and in the 34th year of Her Majesty's Reign, been pleased, in the name and on behalf of the Queen, to assent to the following Acts; that is to say:—

"An Act further to amend the Law relating to the Administration of the Estates of Deceased Persons."

"An Act to provide for the repayment of expenses on account of Distressed Colonial Seamen."

"An Act for appropriating certain Lands, for the purpose of forming a new Street in the Town of Guildford."

"An Act to naturalize Peter Ferrara."

"An Act to amend the Law of Evidence and Practice on Criminal Trials."

"An Act for establishing Municipalities."

"An Act to amend the procedure and powers of the Court for Divorce and Matrimonial Causes."

"An Act to enable the Governors to extend 'The Fremantle Carriage Ordinance, 1868,' to other Towns."

"An Act to provide for the safe custody of, and prevention of crimes by, persons dangerously insane; for the care and maintenance of persons of unsound mind; for the care, and management, and disposal of the property and estates of such persons; and for other purposes."

"An Act for the further amendment of the Law of Evidence."

"An Act to amend the Law relating to Larceny and Embezzlement."

"An Act to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons."

"An Act to guarantee the payment of interest upon the paid-up Capital of the Electro-Magnetic Telegraph Company."

"An Act to regulate the hiring and service of Aboriginal Natives engaged in the Pearl Shell Fishery; and to prohibit the employment of women therein."

"An Act to provide for carrying out of Capital Punishment within Prisons."

CLASSIFICATION OF CLERKS.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the next matter to bring before the House was the minute read sometime since respecting the classification of clerks, and before proceeding with the Estimates in detail the principle contained therein must be affirmed or rejected. He moved that the principle of the memorandum of classification of clerks, presented to the House, be adopted.

Mr. STEERE objected to clerks commencing at £90 per annum.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said classified clerks commenced at £90.

Discussion ensued as to their qualification and pay, in which the Colonial Secretary admitted the late plan had not worked well, and many of the present junior clerks would not be fit for promotion.

Question put and passed.

ESTIMATES.

In Committee.

Resumed debate.

Item: *His Excellency the Governor*, £256 19s. 2d.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that there was an increase of £2 10s. to the salary of the caretaker of the domain.

The SPEAKER stated that he would like to see a detailed account of the Governor's salary and emoluments somewhere in the Estimates, so that it could be seen what the office was worth.

The COLONIAL SECRETARY (Hon. F. P. Barlee) put it to the Council: they could reject it or not. As to the Governor's exact salary a detailed account could be obtained.

The SPEAKER: That being the first item, the question of information as to the amount of the salary suggested itself.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he gave detailed information; it would be unreasonable to expect more. As to the Civil List, the House had nothing to do with it and therefore he did not introduce it.

Mr. SHENTON moved that the words "forage allowance at 3s. 8d." be struck out and "forage" substituted.

The COLONIAL SECRETARY (Hon. F. P. Barlee): That seems a senseless motion. It does not alter the figures.

Mr. GULL said he would support the amendment of the hon. member for Greenough; it was not so silly as it appeared.

Mr. NEWMAN stated that it would be better to speak plainly. It was intended to reduce all forage allowances to 2s. 6d. per diem. The members did not wish to interfere with the Governor's department.

Amendment not agreed to.

Item agreed to.

Item: *Colonial Secretary*, £2,861.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that there was an increase to the chief clerk of £25 per annum and that he proposed to increase the number of clerks as in 1855. After 16 years he thought that the time for increasing the number had arrived.

Mr. NEWMAN objected to the plurality of offices, and the manner in which the Estimates were made out; they could not find out who held such.

The COLONIAL SECRETARY (Hon. F. P. Barlee) agreed in principle with the hon. member.

Mr. SHENTON moved that two third-class clerks in the Colonial Secretary's department be reduced from £190 to £110.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he was the best judge of what was necessary. The clerks in his office were overworked. He would not ask them to remain in office after hours in future.

Amendment put, "That two third-class clerks in the Colonial Secretary's department be reduced from £190 to £110," upon which a division was called for, the result being as follows:—

Ayes	9
Noes	7
Majority for	2

Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Logie	The Hon. R. J. Walcott
Mr. Newman	The Hon. M. Fraser
Mr. Moore	Mr. Phillips
Mr. Monger	Mr. Brown
Mr. Gull	Mr. Bussell
The Speaker	Mr. McKail (Teller.)
Mr. Shenton	
Mr. Steere (Teller.)	

Amendment thus passed.

Mr. SHENTON moved that one messenger at £40 be struck off the Colonial Secretary's staff.

The COLONIAL SECRETARY (Hon. F. P. Barlee) objected because they were necessary to the Public Service. The

Sergeant-at-Arms was the principle messenger of the office and he could not be in the House and attend the office.

Mr. SHENTON said the members could not get a messenger when they wanted one.

The COLONIAL SECRETARY (Hon. F. P. Barlee): Because the members never asked for one.

Mr. STEERE: The messengers should have been there without being sent for.

Amendment put, "That one messenger at £40 be struck off the Colonial Secretary's staff," upon which a division was called for, the result being as follows:—

Ayes	11
Noes	5

Majority for	6
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Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Logue	The Hon. R. J. Walcott
Mr. Brown	The Hon. M. Fraser
Mr. Newman	Mr. Phillips
Mr. Moore	The Speaker (Teller.)
Mr. Monger	
Mr. Gull	
Mr. Russell	
Mr. McKail	
Mr. Shenton	
Mr. Steere (Teller.)	

Amendment thus passed.

Mr. STEERE asked the Colonial Secretary if there was not some infringement of the Postage Ordinance by Government officials.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that there was in the letter but not in the spirit. Some officers had the privilege of franking, but they were charged by the post office.

Mr. SHENTON moved that the item stand at £2,741.

Item, as amended, agreed to.

Sitting suspended until 8 p.m.

Resumed debate.

Item: *The Legislative Council*, £280.

The COLONIAL SECRETARY (Hon. F. P. Barlee) proposed £25 for expenses in cleaning and lighting up the Council Chamber.

Mr. LOGUE thought it ought to be increased by more than £25. He said no messenger was provided for the House. The Hon. the Colonial Secretary had provided for it, but it had been struck off.

Mr. BROWN considered a messenger could be procured for a much less sum than £40.

The ATTORNEY GENERAL (Hon. R. J. Walcott) proposed it be increased by £200. (Great laughter.) He said it was no laughing matter. The Speaker's salary should be £250, and the Clerk's £150.

The SPEAKER looked upon the proposal as an insult. It seemed he was to be treated with indignity in the Chair, and out of it.

A long discussion ensued as to the propriety of the motion of the Hon. the Attorney General, in which Mr. STEERE, Mr. BROWN, Mr. McKAIL, Mr. LOGUE, the Colonial Secretary, and the Attorney General took part.

Item, as amended (£305), agreed to.

Item: *Colonial Treasurer*, £400.

Item agreed to.

Item: *Auditor General*, £640.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that when framing the Estimates he thought some of the duties now performed by the Auditor General would be transferred to the Crown Lands Department, but as there was no chance of that office being created, he proposed to relieve the Auditor General of the duties of Registrar of Deeds, Registrar of Births, Deaths, and Marriages, and Registrar General, and create a new department.

Mr. NEWMAN could speak respecting this department, and considered it one of the most important under the Government, and should have efficient clerks.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that what he proposed doing was done with the concurrence of the Auditor General.

Item agreed to.

Item: *Registrar General*, £120.

The COLONIAL SECRETARY (Hon. F. P. Barlee) now proposed a new department—the Registrar General and Registrar of Deeds. The gentleman who would have this office was Secretary of the Board of Education, at a salary of £200, so there would be no increase.

Item agreed to.

Item: *Registrar of Brands*, £35.

Mr. NEWMAN moved that the item be struck out.

Amendment put, "That the item be struck out," upon which a division was called for, the result being as follows:—

Ayes	6
Noes	10

Majority against	4
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Ayes.	Noes.
Mr. Logue	The Hon. F. P. Barlee
Mr. Newman	The Hon. R. J. Walcott
Mr. Moore	The Hon. M. Fraser
Mr. Gull	Mr. Phillips
Mr. Steere	Mr. Brown
Mr. Shenton (Teller.)	Mr. Drummond
	Mr. Monger
	Mr. Russell
	Mr. McKail
	The Speaker (Teller.)

Amendment thus negatived.

Item agreed to.

Item: Surveyor General, £6,213 3s. 4d.

The COLONIAL SECRETARY (Hon. F. P. Barlee) though not at all satisfied with the working of the establishment, asked hon. members not to interfere with it until the new Surveyor General was in a position to report thereon, and also on the ability of the persons employed therein.

The SURVEYOR GENERAL (Hon. M. Fraser) deprecated any interference with the department until he was in a position to enquire into it fully. He gave a detailed account of what he had already done to render it more efficient, and also what he proposed doing to render it more satisfactory. He only asked for six months, when he would be in a position to account for the working of the department.

Mr. SHENTON, in a long and well-considered speech, attacked the Survey Department, and read elaborate tables giving an account of the work done by the Survey Department from 1849 to 1868, and pointed out the enormous increase in expenditure, while there was a decrease in the amount of work done.

The SURVEYOR GENERAL (Hon. M. Fraser) replied to Mr. Shenton.

A very long and animated debate took place on the working and the abuses of the Survey Department, in which every member in the House took part; the department was allowed to remain in *statu quo*, as regards salaries for six months, when the Surveyor General would report thereon to the House.

Mr. STEERE moved that the item "Draughtsman, £91 5s." be struck out.

Amendment put, "That the item 'Draughtsman, £91 5s.' be struck out," upon which a division was called for, the result being as follows:—

Ayes	7
Noes	9

Majority against	2
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Ayes.	Noes.
Mr. Logue	The Hon. F. P. Barlee
Mr. Brown	The Hon. M. Fraser
Mr. Newman	The Hon. R. J. Walcott
Mr. Moore	Mr. Phillips
The Speaker	Mr. Drummond
Mr. Shenton	Mr. Monger
Mr. Steere (Teller.)	Mr. Gull
	Mr. Bussell
	Mr. McKail (Teller.)

Amendment thus negatived.

Mr. STEERE moved that the item "One Third-class Clerk, £90" be struck out.

Amendment put, "That the item 'One Third-class Clerk, £90' be struck out," upon which a division was called for, the result being as follows:—

Ayes	5
Noes	11

Majority against	6
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Ayes.

Mr. Drummond
Mr. Logue
Mr. Newman
Mr. Shenton
Mr. Steere (Teller.)

Noes.

The Hon. F. P. Barlee
The Hon. M. Fraser
The Hon. R. J. Walcott
Mr. Phillips
Mr. Brown
Mr. Moore
Mr. Monger
Mr. Gull
Mr. Bussell
Mr. McKail
The Speaker (Teller.)

Amendment thus negatived.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that two horse allowances, £133 16s. 8d., be given to the Surveyor General.

An amendment was moved to reduce this figure to £100.

After some discussion the amendment, "That the figure be reduced to £100," was put upon which a division was called for, the result being as follows:—

Ayes	7
Noes	9

Majority against	2
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Ayes.

Mr. Logue
Mr. Newman
Mr. Moore
Mr. Monger
Mr. Bussell
Mr. Shenton
Mr. Steere (Teller.)

Noes.

The Hon. F. P. Barlee
The Hon. R. J. Walcott
The Hon. M. Fraser
Mr. Phillips
Mr. Drummond
Mr. Brown
Mr. Gull
Mr. McKail
The Speaker (Teller.)

Amendment thus negatived.

Mr. SHENTON moved that the forage allowance to eight surveyors be reduced from £200 to £150 each.

This motion resulted in a very animated debate, during which the cost of maintaining and keeping horses was fully ventilated.

Amendment put, "That the forage allowance to eight surveyors be reduced from £200 to £150 each," upon which a division was called for, the result being as follows:—

Ayes	11
Noes	5

Majority for	6
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Ayes.

Mr. Drummond
Mr. Logue
Mr. Brown
Mr. Newman
Mr. Moore
Mr. Monger
Mr. Gull
Mr. Bussell
Mr. McKail
Mr. Shenton
Mr. Steere (Teller.)

Noes.

The Hon. F. P. Barlee
The Hon. R. J. Walcott
The Hon. M. Fraser
Mr. Phillips
The Speaker (Teller.)

Amendment thus passed.

Mr. SHENTON moved that the item stand at £5,947.

Question put and passed.

Item, as amended, agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 11 p.m.