

ments of the public service, all of which were provided for in the schedule attached to the bill. The certifying officer in the case of any board constituted under any Act in force in the colony would be the chairman or the secretary of the board. The bill followed out the spirit of the Imperial Act. When these documents were authenticated they became evidence. That was the whole object of the bill. It in no way affected the validity of these documents under the law of evidence.

The clause was then put and passed.

The remaining clauses were agreed to without comment.

Bill reported.

PROCEDURE IN COMMITTEE.

THE CHAIRMAN OF COMMITTEES said he wished to call the attention of hon. members to a point of procedure. The Attorney General, on more than one occasion during the session, had objected to the hon. member for Greenough making any comments upon a clause in a bill without moving an amendment in the clause. He was aware that was the practice in the House of Commons, where only the number of the clause was read; but, here, the practice hitherto had been to read the clause itself, and to put it to the committee, so that members were at liberty to address themselves to the clause generally, without submitting any amendment. In the House of Commons, where only the number of a clause was read, there was virtually nothing before the committee, and a member could not address himself to the clause without moving an amendment. He thought it would be very desirable that we should adopt the procedure of the House of Commons here; but he had no wish to introduce the practice without giving members an opportunity of realising the change. In future, however, the numbers of the clauses only would be read, so that when a member had any objection to make he should move an amendment.

The House adjourned at half-past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 1st August, 1887.

Construction of Eucla Jetty—Tomb and Railing for Grave of the late Speaker—Water Supply for Carnarvon—Cost of irrigation works at Government Gardens—Lease of Abrolhos Islands—Water Supply for Cossack—Return Tickets on Eastern Railway—Deepening of Taggs Channel at Carnarvon—Tenders for completion new Government Offices at Perth—Claim of John Egan against the Government (Egan v. Phillips)—Message (No. 21): Mrs. Ashton's and Mrs. Smith's Gratuities—Message (No. 22): Life Assurance Companies—Message (No. 23): Blue Book returns of Agricultural Produce—Message (No. 24): Number of natives engaged in Pearl Shell Fisheries—Message (No. 25): Harbor Works, Fremantle, and Sir John Cooke's report—Mr. Charles Hall's claim to £5,000 reward for discovery of Kimberley goldfield—Cost of Imperial Convicts—Improvements of the Bar at the mouth of Swan River—Reward for discovery of a payable Coalfield: Adjourned debate—Bills of Sale Act, 1879, Amendment Bill: second reading—Prisoners Employment Bill: third reading—Inquiries into Wrecks Bill: third reading—Documentary Evidence Bill: third reading—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

CONSTRUCTION OF EUCLA JETTY.

SIR T. COCKBURN-CAMPBELL asked the Director of Public Works what steps the Government proposed to take for carrying out the work of jetty construction at Eucla, funds for which were provided in the last Loan Schedule?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: No steps have as yet been taken towards carrying out the work of jetty construction at Eucla, for which funds were provided in the schedule of the Loan Act, 1884. Among the residents of the district there seems to exist an opinion that this jetty would be of little or no value, and a petition was sent to His Excellency the Governor, praying that the money appropriated in the Loan Schedule, 1884, for this purpose might be diverted to more useful purposes in the district. The petitioners were, however, informed that this could not be done without the assent of the Legislative Council.

TOMB AND RAILING FOR GRAVE OF THE LATE SPEAKER.

Mr. SHENTON asked the Director of Public Works what steps had been taken to provide the tomb and railing for the grave of the late Speaker of the House (Sir L. S. Leake)?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied that prices and designs for the monument and railing had been obtained from England, as those from the Eastern Colonies were considered too high. These had been submitted to the family of the late Speaker, and the selection would be hoped to be finally settled that week.

WATER SUPPLY FOR TOWN AND SHIPPING AT CARNARVON.

MR. SHOLL asked the Director of Public Works whether the Government had had submitted to them a scheme for a supply of pure drinking water for the town and shipping of Carnarvon, and if it was their intention to take steps with a view to supply this necessary want?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: I have gone carefully into this important question, and have had an examination made of the locality. The Roads Board submitted an estimate, which was manifestly insufficient, for excavating a tank and byewash for £330; to this must be added for puddling, fencing, pump, penstock, etc., at least £700, for which we have unfortunately no funds. This amount should be made a charge on the next Loan.

COST OF IRRIGATION WORKS, GOVERNMENT GARDENS, PERTH.

MR. SHENTON asked the Director of Public Works what was the cost of sinking the well, and erecting the tanks and steam pumping gear at the Government Gardens, Perth?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: £301 12s. 5d., as under:—

Wages, Works Department	...	...	157	0	0
Stores ditto	...	...	87	15	8
Steam pump and gear, inclusive of tanks, stoge, piping, &c.	...	...	48	12	9
Incidental	...	...	8	4	0
			£301	12	5

LEASE OF THE ABROLHOS ISLANDS.

MR. HARPER, in accordance with notice, asked the Colonial Secretary whether it was a fact that the lessee of the Abrolhos Islands had been given a promise (in writing) from the Commissioner of Crown Lands of an exten-

sion of the lease of those islands; and, if so, that a copy of such promise be laid upon the table of the House.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) laid upon the table a copy of the letter referred to.

WATER SUPPLY FOR COSSACK.

MR. McRAE, in accordance with notice, asked the Director of Public Works if the Government intended to take any action with respect to the recommendation of a public meeting held at Roebourne on the 7th day of June last, with respect to a water supply for the town of Cossack, and certain harbor and jetty improvements at that place; and if so, what action?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied: A sum of at least £10,000 would be required to give a proper water supply for the town of Cossack and its shipping, for which there are no funds. The District Engineer is now engaged in preparing a proper scheme for the improvement of the harbor and jetty at that place.

RETURN TICKETS ON THE EASTERN RAILWAY.

MR. HARPER, in accordance with notice, asked the Commissioner of Railways if there were any reasons why the period during which return tickets were available on the Eastern Railway should not be extended from three days to seven; and, if so, what were those reasons.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said this was simply a question of revenue. At the present time they were carrying passengers on this railway at a cheaper rate than was done in any of the neighboring colonies, and he did not see his way to make any alterations. On English railways the general rule was to make return tickets for distances up to 30 miles available for one day, and for distances up to 100 miles available for three days. The department here was following that rule; with more regard for the public revenue than the hon. member appeared to have.

DEEPENING OF TAGGS CHANNEL AT CARNARVON.

MR. SHOLL, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to have the necessary steps taken with a view to increasing the depth of water on the bar in the channel known as Taggs channel, which leads to the jetty now in course of construction at Carnarvon, so as to enable the wool and other shipping to berth alongside. The hon. member said that out of the Loan of 1884, there appeared to have been a very considerable expenditure of public money provided, in the shape of a jetty and tramway at Carnarvon. The jetty was now nearly completed and also the tramway; but, unfortunately, ships would be as far off as ever—[The DIRECTOR OF PUBLIC WORKS: Question]—in consequence of a small intervening sand bar leading to the jetty; and he had been asked by his constituents to inquire whether the Government could not devise some means to remove this obstruction, so as to enable the shipping to come up to the jetty. He believed the water in the channel only wanted to be deepened about 18 inches, to enable the wool ships to come alongside. The settlers were naturally anxious that this should be done before the next wool season.

MR. McRAE, in seconding the motion, said he was not prepared to say what it would cost to have this work done, but it was certainly a very necessary work to be undertaken. At present they had a very good jetty, but, owing to this narrow sand bar, ships could not get alongside of it. He thought this was another instance of the necessity of the colony having a sea-going dredge, which would be most useful in improving the harbors along the coast, and deepening the approaches to jetties.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said if the hon. member had read his annual report on the public works of the colony, he would have seen the following passage relating to the very work referred to. Writing of the jetty at Carnarvon, he said:—"The construction of this jetty is progressing rapidly under Messrs. Baillie, Davies, and Wishart, and I trust we shall be able to utilise it in time for the wool ships this year.

"While on the subject of jetties and harbor accommodation, it would be a most desirable thing were the colony to possess a large and powerful dredger, one that could propel itself along the coast and be used for opening up and improving the harbors generally throughout the colony. Had we such a vessel we could materially and at a small cost improve the accommodation, at Geraldton, so as at all events to allow of the coasting steamers getting alongside the existing jetty at all states of the tide. The same could be done at Fremantle and the Vasse. At Carnarvon an entrance could be made by this means into Tagg's Channel, so that the wool ships and steamers could go alongside without difficulty." This was the only way in which it could be done. As to the shipping conveniences not being improved by the construction of the jetty, he must differ from the hon. member on that point. But, as for deepening the channel, he would ask the hon. member to wait until we were in a position to obtain a sea-going dredger.

MR. SHOLL: How long is that likely to be?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): That I cannot say. We must wait until the next loan.

MR. A. FORREST said he should support the address. The present expenses in connection with shipping at Carnarvon were something enormous. The new jetty had cost a very large sum of money, but it stopped at the very place where it ought to have gone a little bit farther. He hoped the Government would be able to do something to remove the present obstruction without waiting for a sea-going dredge. They might have to wait twenty years before they had a vessel of that kind.

MR. SHENTON thought the purchase of a sea-going dredge would be one of the best investments the colony could make,—a vessel that could propel herself from port to port along the coast, removing obstructions and deepening channels at the approaches to jetties; and, when the next Loan Bill was introduced, he hoped the Government would include a sea-going dredge in the schedule.

MR. VENN did not know whether the hon. member for Toodyay had any idea

as to the price of such a vessel. It struck him it would make a big hole in our next loan,—possibly £100,000 or £150,000. [The DIRECTOR OF PUBLIC WORKS: Absurd.] He was speaking from what he had seen of these dredges in Melbourne, one of which cost about £300,000. He should pause a long time before he would support any such expenditure. If the hon. member for the Gascoyne waited until the colony had such a dredge as that, he might postpone his motion until the day of judgment.

The motion was then put, and negatived on the voices.

TENDERS FOR COMPLETION OF NEW GOVERNMENT OFFICES, PERTH.

MR. SHENTON, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, informing His Excellency that, in the opinion of this House, tenders should be called for the completion of the new Government Offices, with as little delay as possible; there being a balance of £6,000 still in hand, which will cover the expenditure for this year; and this House will be prepared to provide on the Estimates for 1888 a sum sufficient for the expenditure in that year. The hon. member said that on the 13th July, in reply to a question which he put to the Director of Public Works as to when tenders would be called for this work, the Director stated that the calling for tenders had been delayed until the sum appropriated for the work last year had been voted by the House. He thought it was very desirable that these buildings should be proceeded with, without delay. When the foundations which were now being laid were finished, there would be a sum of £6,000 still on hand, and he thought it would be agreed that this would more than cover any expenditure that would be incurred during the present year. They were informed that the House would meet again towards the close of the year, and they would then be in a position to provide the additional sum that would be required, for 1888, for carrying on the works, and which the House had already guaranteed to provide. He thought all would agree that it would be a disgrace to leave these offices with the bare foundations, looking at the great

inconvenience caused by the want of accommodation in the present public offices, more particularly those connected with the Postal and Telegraph Department. There was another reason which he thought ought to induce them to proceed with this work at once. There was a great dearth of employment among the artisan class at the present time, a large number of men being out of work; and, if tenders were invited for the completion of these buildings and the contract let, it would provide employment for a considerable number of workmen, who otherwise would remain out of employment. He could hardly see himself why the work should be delayed any longer, seeing that they had £6,000 in hand, which would certainly meet all the expenditure that would have to be incurred this year.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said that last year, by a resolution of the House, the amount of £10,000 on the Loan Estimates was supplemented, or supposed to be supplemented, by a further sum of £12,000. The money, however, was never voted, but simply formed the subject of a resolution, and therefore it could not be appropriated, until it was formally voted by the House. At the present time they had £6,000 remaining out of the £10,000 placed on the Loan Estimates, but it was utterly impossible for him to call for tenders for the completion of the buildings—which would amount to about £18,000—until the whole of that money had been voted, and there were funds available for the purpose. Although £6,000 would be amply sufficient for this year, still, unless he had sufficient funds or the promise of sufficient funds to complete the work, he could not let the contract. He thought himself that the money should come out of loan. As the £10,000 already appropriated had come out of a loan, he thought the balance required should also come out of loan funds; and that the present unexpended balance (£6,000) should be carried to that fund, and that they should wait until the whole sum required was available.

MR. A. FORREST said he should support the motion of the hon. member for Toodyay, and he did so with great pleasure. It was well known that there was great depression at present among

the artisan and laboring classes in Perth, owing to the want of employment; and surely the Government might see their way clear to go on with these buildings.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): We can see our way clear enough, if the House will provide the funds.

MR. A. FORREST said, if the House pledged itself to vote the remainder of the money, he saw no reason whatever why tenders should not be called at once and the work commenced with the £6,000 now on hand. As to where the money was to come from, the Director of Public Works could always find money when he wanted it for his own department. The work could be done at the present time at a cheaper rate—15 per cent. at least—than it could probably be done for six months later on; and this was a consideration that ought to weigh with the Government.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said he perfectly agreed with everything that had been said by the hon. member; and if the hon. member would pledge the House to provide the required funds, he should start the work at once.

MR. PARKER said, if the question was only one of funds—considering that the House had already pledged itself to vote sufficient funds for the completion of the building, and that they were prepared to do so again that evening—he thought the Director of Public Works might go to that august body, the Finance Committee, who, backed up as they would be by the resolutions of the House, would no doubt provide the necessary funds until the House, when it met again in November, voted the money.

MR. SHOLL said it was quite refreshing to hear the impudence (as he might call it) of one of the members of this Finance Committee talking about voting thousands of pounds in the way the hon. member for Perth proposed to do. The hon. member said all the Government had to do if they wanted funds was to go to the Finance Committee, and that august body—very august, he should think—would let them have thousands of pounds.

MR. PARKER: After the House had pledged itself to provide the money.

MR. SHOLL said the House had hardly risen last session before the Finance Committee voted away thousands of pounds. It was quite refreshing to notice the "cheek"—he could call it nothing else—with which this Committee offered to vote thousands of pounds for public buildings at Perth, when in the same breath he was told that the small sum of £700 wanted to provide a water supply for the town of Carnarvon would have to wait until they had raised another loan. He thought it was disgraceful. He thought the Northern districts had been very unfairly treated by that House, and by the Government especially. For his own part, he should not vote for this large expenditure out of general revenue while the public funds were in their present state.

MR. MARMION said he quite coincided with the hon. member for Toodyay as to the desirability of these buildings being completed. There could be no two opinions as to that. But he thought the funds must be provided from some source other than current revenue. They might be able to provide the Government with authority to expend the money, but he doubted whether they were in a position to provide the funds out of current revenue; and, for his own part, he thought the money ought to come out of loan. They had commenced the work out of loan, and he considered it ought to be completed out of loan. At the same time he saw no reason why the work should not be continued, and the amount refunded out of the next loan. The colony was in a solvent condition; and, if absolutely necessary, no doubt the money could be taken out of current revenue. The work had been decided upon by the Legislature, and the funds must be provided to carry it out to completion, and he thought there could be no better time than the present for doing so. He thought, in view of the condition of the labor market, it would be politic to call for tenders immediately.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he entirely agreed with the object of the motion, and with those who had supported it, as to the desirability, as soon as we were in a position to do so, of proceeding with the work. He also acknowledged the desirability, and he might say the necessity, of

providing work for the unemployed. At the same time we could not do impossibilities. We could not over-ride the statute law. He was entirely with the hon. member for Fremantle as to the expediency of providing the necessary funds out of a loan; and he hoped we should be in a position before very long to propose borrowing more money for the completion of these buildings and other necessary works. But until that money was legally available, and the Public Works Department was satisfied that there were ample funds at its disposal to complete the whole of the work, he must resist any proposals to embark upon the undertaking. No mere resolution of the House could authorise the Government to spend money. No resolution of that House afforded the slightest authority for the Government to expend the public funds; and he should be adverse to such a proposition as regards the completion of this work, if it were put before the Finance Committee,—even were it the province of that Committee to recommend such a large expenditure. He thought they would do well to allow this matter to remain in abeyance until that House met again.

MR. RICHARDSON thought it remarkable, as the hon. member for the Gascoyne had said, that the colony could afford to spend thousands and thousands of pounds upon these ornamental buildings in the vicinity of the metropolis, and at the same time could not afford a few hundreds of pounds for necessary public works in country districts. He thought if the amount originally set apart for the buildings was £10,000, the buildings ought to have been so designed as not to cost more than that sum, instead of which they were going to cost as many thousands more. He thought such costly structures for public offices were out of all proportion with the revenue and the financial position of the colony.

MR. SCOTT thought that country members, when they talked about the money spent in Perth, were apt to forget that Perth represented a very large proportion of the population of this colony. As to the proposed completion of these public offices, he thought if the work were taken in hand at once it would prove a great boon to the laboring classes, who

were now out of employment. The House had already sanctioned the expenditure, and he did not see why the Works Department should hesitate about calling for tenders. These buildings were not erected simply for purposes of ornamentation, but to afford improved facilities and conveniences for the public departments, which served the whole colony. There were daily complaints about the inconvenience and want of room in the present offices—especially the post and telegraph offices—and the sooner these new offices were completed, the better would it be for the country at large. As to where the money was to come from eventually, this was not the first time we had borrowed from current revenue to be recouped from the next loan.

MR. VENN said if the motion were carried as now worded the money would certainly have to come out of the general revenue, and he was opposed to pledging the revenue of the colony to this extent, for such works as these. Although that House was always anxious to do justice to the North, he thought there was a great deal of force in what had been said by the Northern members as to the expenditure upon public buildings in Perth. It appeared to him we were imitating, in a miserable sort of way, our much more wealthy neighbors, when we could ill afford it, and expending large sums of public money upon fine buildings before there was any real necessity for it. We were pawning the future for the present to an extent which in his opinion we were not justified in doing; and he should not be a party to it. In this instance, however, as we were committed to the work, we must find the funds from some source or the other—out of loan, he supposed.

MR. SHENTON said it was quite refreshing to see the spirit of economy that appeared to have come over the Public Works Department, and how punctilious the head of the department had become as to spending public money without the formal authority of the House. This was a very sudden change that had come over the department; for that evening the House, when it came to deal with the Supplementary Estimates, would be asked to vote more than was required for these offices of unauthorised expenditure in connection with this very

department. If the Government did not see their way clear to get the funds necessary to complete these buildings, why did they let the contract for laying the foundations of the buildings? As to the Audit Committee having any power to anticipate a vote of that House, the hon. gentleman must remember that he himself once came to the Audit Committee for £5,000 for surveys. Under the most favorable circumstances these buildings could not be completed under two years, so that the expenditure would have to be spread over that period. He never intended it should come out of revenue, except as a temporary expedient, and his intention was that the money should be refunded to revenue out of the next loan; and, if it was the wish of the majority, he was perfectly willing to add the following words to the resolution: "Such sum to be returned to general revenue, together with such additional amount as shall be required to complete the Public Offices, from the next loan." As to the remarks of the Northern members, they seemed to think that because they were the representatives of the North they were the only people in that House who had any interest in the North, or who had the welfare of the North at heart. There were other members in the House who had quite as much pecuniary interest in the North as they had; and he thought it had always been the desire of that Council to give every fair play to that district,—as the votes of the House would show. The North had had its full share of the revenues of the colony during the last three years, and had no cause for complaint upon that score.

MR. LAYMAN said it was now understood that they were to have another session of Council towards the close of the year, and he did not see himself that there was much to be gained by passing this resolution at the present time. It was also understood that they were to have another loan, and he thought if they spent this large sum of money at all, it ought to come out of a loan. He was sure the revenue of the colony would not stand it.

MR. RANDELL said he looked upon the resolution before the House as a very important resolution, because of the complications which seemed to surround it, more especially as regards the financial

phase of the question. The House had affirmed the desirability of having a new Post Office erected, last session; but he would remind the House that these buildings not only comprised a new Post Office but also other public offices. Everyone acknowledged the necessity of the General Post Office being located in a building that would enable the business of the Postal Department, which was increasing daily, to be conducted with expedition and despatch. The present Post Office was very badly placed for the conduct of its business, and it lacked those conveniences which would enable the department to give satisfaction to the public. He was entirely in accord with the hon. member for Toodyay as to the desirability of proceeding with these offices, not only because it would provide employment for men who were at present out of employment, and therefore meet a great need, but also because the work could be more cheaply undertaken now than it might be next year, and also because we had already commenced the structure and expended a considerable amount of money upon it, which would lie there entirely unproductive until we completed the edifice. He was quite ready to admit the force of the remark that there was a difficulty in providing the necessary funds; but possibly there might be found some legal way out of the difficulty if this address were carried. It was not often that they heard the cry of North v. South in that House, and he could not help thinking that the remarks of some hon. members were somewhat ungenerous, regard being had to the treatment of the North by that Council. He could understand the hesitation of the Government in undertaking the work upon the promise of the present House to provide the necessary funds, for they did not know who might constitute the next Council. But he thought there was very little likelihood of any Legislature stultifying itself by refusing to pass an amount placed on the Estimates in pursuance of a resolution already passed authorising the Government to incur the expenditure.

MR. LOTON said he supposed it was admitted that the House, and the country, he might say, was pledged to vote this money. Personally, he was decidedly of opinion that it was very desirable the

work should be proceeded with; but it was also very desirable that the Government, who would have to pay for the work when it was done, should see where the money was to come from, before they entered into a contract and made themselves liable. So far as he was concerned, he should be very sorry, in the present state of affairs, to be a party to pledge any future Council to the expenditure of the revenues of next year. He thought it would be quite time enough to do that when the House met again. Should it be found that there was a surplus revenue at the end of the year, and that this sum might safely be placed on the Supplementary Estimates, with the view of being refunded out of a further loan, he would willingly go with the resolution; but he could not support it as it now stood. But he thought the difficulty might be got over in this way, and this way only: there were certain items on the Loan Schedule of 1884 which had not yet been expended, and were not likely to be expended for the next six months. There was a sum, for instance, of £20,000 set apart for harbor works at Fremantle; and if the House was prepared to temporarily appropriate the necessary amount for these buildings out of that sum, he for one should be prepared to approve of that course, so that the Government would have no difficulty at all in making sure of the money required for completing these public offices.

The address, as amended—by the addition of the words, "Such sum to be returned to general revenue, together with such additional amount as shall be required to complete the public offices, from the next loan"—was then put; and, a division being called for, the numbers were—

Ayes ...	...	13
Noes ...	...	10

Majority for ... 3

AYES.	NOES.
Mr. H. Brockman	Mr. E. R. Brockman
Mr. Congdon	Captain Fawcett
Mr. Forrest	Hon. Sir M. Fraser
Mr. Harper	Mr. James
Mr. Keane	Mr. Layman
Mr. Marston	Mr. Loton
Mr. Parker	Mr. McRae
Mr. Pearce	Mr. Sholl
Mr. Randall	Hon. C. N. Warton
Mr. Richardson	Hon. J. A. Wright (Teller.)
Mr. Scott	
Mr. Venn	
Mr. Sheaton (Teller.)	

The address was therefore adopted.

THE CASE OF EGAN v. SUPERINTENDENT OF POLICE.

MR. VENN, in accordance with notice, moved a resolution to the effect that, in view of the replies made by the Attorney General to questions put to him in the House the other day, with reference to the case of "Egan v. Superintendent of Police," the House was of opinion that the money due by the Government to the plaintiff, John Egan, should be paid without further delay.

POINT OF ORDER.

THE ATTORNEY GENERAL (Hon. C. N. Warton) rose to a point of order. He asked whether this was a kind of motion that should appear on the notice paper. The motion referred to the answer which he gave the other day to a series of questions put by the hon. and learned member for the Greenough, in the course of which he stated that, acting under the provisions of the local Ordinance, 31 Vic. No. 7, which rendered it the duty of the Executive Council to give certain advice to His Excellency, that advice had been given in this case—that the money should not be paid over to the plaintiff, pending the result of an inquiry which had been sent to the Crown law officers in England asking whether under the circumstances of the case the Government could not appeal to the Privy Council, the question of the Royal prerogative being involved. As he had already stated, a message had been sent to England requesting a telegraphic answer to that inquiry. He submitted that this motion was a mixing up of the functions of the Executive with the functions of the Legislative Council, and that the House had not the right to interfere with the action of the Executive in the matter.

THE SPEAKER said that, shortly before the House assembled, he was informed by the hon. and learned gentleman that he intended to take this point of order; and, having thus had a short time to consider the question,—so far as he had been able to come to a conclusion, his opinion was that he ought not to stop the motion. Of course, in respect of any question which was still *sub judice*, before the Court, he thought it would be proper if no discussion took place with reference to it in that House;

still, the hon. member having given notice of his question, he did not think, so far as he was able to judge at present, he could say that the motion was one that should not be proceeded with.

DEBATE RESUMED.

MR. VENN said he was very glad that the point had been raised, and that His Honor the Speaker was of opinion that, although perhaps it was not advisable that there should be a discussion on the subject, the motion was one that he ought not to stop. He should be sorry to move any resolution in that House of an improper character, and he should be very guarded and temperate in what he had to say with reference to the present motion. As to interfering with the functions of the Executive, he did not think it was the province of that House, as a general rule, to do so; but there were exceptions to every rule; and he thought this case of Egan against the Government was one that presented that exception in its present stage, and that it was a case that the House had a right to express an opinion upon. It was simply with the view of eliciting that expression of opinion that he had tabled the motion standing in his name. It did not follow that that opinion need amount to anything approaching a vote of censure,—there was nothing whatever of that sort in his mind. He took it that the Legislative Council could have its own opinion, and so could the Executive; and that one body had an equal right to its opinion as the other, without any inference of censure, express or implied. Entertaining these views, he felt little or no hesitation in asking hon. members for their opinion on this subject. He might say that until the questions referred to in the motion were asked in the House the other evening, he had naturally thought that the whole matter had been settled. It occurred to him that the Executive in this case had misdirected the Governor, thus making the case one upon which the Legislature might legitimately express its opinion. The short facts of the case were these: John Egan, the plaintiff in this action, a laboring man, was run over by the Government mail van, in the streets of Perth. He was injured, and sought damages at the hands of the Govern-

ment by an action at law. At the first trial he did not obtain a verdict; but, having a very strong case, it was again brought before the Court,—or, rather, it was referred to the Supreme Court by the Governor-in-Council—with the result that the plaintiff obtained a verdict for £300. The Government then applied to the Chief Justice for a stay of execution to enable them to appeal to the Privy Council. The Chief Justice refused the application; but the Executive, in the exercise of their statutory powers, withheld their advice that the amount should be paid. In other words, they advised His Excellency to withhold payment of the damages awarded by the jury until it was ascertained whether an appeal to the Privy Council would be allowed,—not until the Government did appeal to the Privy Council, but until it ascertained by inquiry whether it could appeal. The amount of damages being under £500 the right of appealing to the Privy Council did not accrue, but the Government relied upon some other right which they thought was inherent in the Crown; and they sought for leave to appeal. That was how the case stood at present, the plaintiff being still deprived of his money. Now it did seem to him that, when the Government, in the exercise of their discretion, referred a case to the Supreme Court for trial, the judgment of that Court should be respected. Having once referred it to the Court, and judgment having gone against them, there should have been no hesitation on the part of the Government in paying the amount of the verdict. The Government, above all others, should be careful and jealous in upholding the judgments of its own Courts. They should set an example and bow at once to the highest tribunal of the land, the Supreme Court of the colony. Therefore, it did occur to him that when the Executive advised His Excellency to withhold payment, there was a misdirection on the part of the Executive; and he now asked the Legislature to express its opinion in the matter. So long as this money was not paid to John Egan, so long would it appear that the judgments of the Supreme Court were not binding upon the Government; and, without wishing to use any strong words, or impart into the debate any sentiment, he must say that, in his

opinion, it was calculated to bring the Supreme Court of the colony into contempt. He again said it was misdirection on the part of the Executive to advise the Governor as they did; and, without any further reflection upon that body, he now asked the House to affirm the resolution standing in his name. In so doing he did not ask them to discuss any side issue, but to keep prominently before them the pure and simple facts. He felt sure, if the House would strictly confine itself to those facts, and not allow itself to be led away to the consideration of any abstract principle, the House would come to a just and right conclusion. If he wished to anticipate some of the arguments that might possibly be used by the learned Attorney General, he might at this stage refer at some length to the "rights of the Crown." He might lead the House into an endless, and probably profitless, discussion on the "Divine right of kings," and of the old maxim which taught them to say that "the king can do no wrong." But he hoped the hon. and learned gentleman would not lead them into that discussion that evening. He should be prepared to meet the hon. and learned gentleman elsewhere and discuss the abstract principles of those points with him, and show him that even from that standpoint the motion now before the House should be affirmed. But, for the present, he asked the Legislature to judge and to come to a conclusion upon the plain facts. When the judgment of the Supreme Court had been given it ought to be respected. The dignity of the Court should be upheld, otherwise its usefulness might be impaired. He should regret to see any attempt made to have the highest judicial tribunal of the colony brought into contempt, by the Government shielding itself behind any abstract principle, such as a petition of right. The case was a simple one, and, in closing his remarks, he wished again to repudiate any desire or intention to censure the Executive Government. He treated the matter entirely as one of misdirection, and, having said so much, he now left the matter to the House.

MR. KEANE, in seconding the motion, said he agreed with everything that had fallen from the hon. member who had introduced it. Without wishing to say

anything that was unparliamentary, or to cavil at the action of the Executive, he must say that he thought they went a great deal out of their way not to pay this unfortunate man the money that was due to him.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) intimated that, after the remarks interposed by the Attorney General at the commencement of the debate, it would be impossible for him or his colleagues to take any part in the discussion upon this matter.

MR. MARMION said he did not intend to address himself to the merits or demerits of the case; but, so far as he was concerned, as an elected member of the House, he felt that this was a matter purely for the Executive to exercise their functions, and their discretion, with regard to dealing with the plaintiff's claim. The responsibility rested with them as to whether they exercised that discretion rightly or wrongly, in withholding this money; and he would not be one of those who would attempt to dictate to them, as to whether they were right or wrong; and if it came to a division, it was not his intention of voting either on one side or the other.

MR. A. FORREST said that when a man went to law and obtained a judgment, he thought that man ought to be paid. He did not know himself who Egan was, nor did he care. The man obtained £300 damages against the Government, and the Government ought to have paid him. He did not know why this colony should be put to the expense of going to the Privy Council or anywhere else. The money had been adjudged to be due to the man, and he ought to be paid.

MR. SCOTT said he should support the Government in this instance, simply for the reason that he agreed with what had fallen from the hon. member for Fremantle that the responsibility rested entirely upon the Government. He thought the question was one purely of Executive functions, and one with which that House had no right to interfere. They might fully sympathise with the plaintiff, who, to his (Mr. Scott's) mind, had won his case; but he considered that the Government had the interests of the colony to consider as well. The money that was due would, he understood, bear

interest at the rate of 10 per cent., and, if the judgment of the Court should be eventually ratified, the plaintiff would get compensation for the delay. He expressed no opinion upon the merits of the case, and it was not his intention, if the matter went to a division, to vote on one side or the other.

Mr. HENSMAN desired to say a word or two on this question, and he approached it without fear whatever. He did not think there was anything sacred about it whatever. It was simply a question of a man who brought an action against the Government in the form of a petition of right, for damages he had suffered, which petition, under the Act in force in this colony, was referred by the Governor, with the advice of the Executive Council, to the Supreme Court. He did not know whether hon. members were aware that there was a power under that Act providing that wherever in the opinion of the Governor, with the advice of the Executive Council, the subject matter of a petition affected the Royal prerogative, it was lawful for the Governor to transmit the same to the Secretary of State for his opinion upon it, and the Secretary of State could send it back with his opinion as to whether Her Majesty's prerogative was concerned or not. Therefore it was open for the Governor, on the advice of the Executive Council, to have sent this petition home; but he did not do so, but sent it to the Supreme Court for trial. The case came on, and eventually judgment was given for £300 and costs, against the Government. Application was then made on behalf of the Government to the Chief Justice to stay execution. The Chief Justice said he had no power to do so, because the case was absolutely out of hand, so far as this colony was concerned; and that, if he had the power, he would not do anything to prevent this man getting the damages awarded to him by a jury of his countrymen. There was also power in the Act referred to, which said that it shall be lawful for the Governor, with the advice of the Executive Council, to satisfy any judgment, out of any available balance of the revenue of the colony; and he contended, it was absolutely misreading the Act altogether for the Governor to ask the Executive, "Will you advise me to pay or not?" What the Act meant was

that, if the Government had a judgment to pay, it should be lawful for the Governor to pay it out of any available balance of the revenue, although he may not have had a special vote of the Legislature to that effect. He should be glad to hear the opinion of the hon. and learned member for Perth upon that point. It had been suggested that this matter was *sub judice*. It absolutely was not so, in any sense of the term. The case was absolutely over so far as the Courts of this colony were concerned; and, what was more, it was not a subject of an appeal to the Privy Council, unless special permission were obtained from the Privy Council itself. It was a judgment of the Supreme Court of the colony that stood unimpeached; and what would have been thought if, instead of the Government being the defendant, some ordinary person had been in that position. Would they question for a moment whether that person ought not to pay? Would they assist him to evade payment? The case was simply a question of a judgment, as regards which the full court had expressed its decided opinion, both upon the merits and also with regard to the question of the liability of the Government. He did not wish to say anything more than the facts admitted; but he did say that when the Government of this colony said, "We intend—because we know there is not that power of seizing our goods which exists in ordinary cases—we intend to exercise our power of putting off payment, and to avail ourselves of that power to try in England to get time, and to find a loophole that will enable us to escape from paying at all"—when the Government of the colony said that, he did think they were doing that which no private person would dream of doing. The money was due to this man at this moment, by law; and he asked that House not to do anything which might appear to say that the Executive of this colony could do what they liked in resisting the power of the Supreme Court. If the judgments of the Supreme Court were not to be treated with respect by the Government, by whom were they to be treated with respect? This man had gained the day, in a fair trial, before twelve of his fellow-colonists who gave him a verdict, and the Supreme Court had confirmed that judgment; and he

did hope that that House would vote in favor of the resolution now before it. Whether the members of the Government, or other hon. members, voted or not, that was for themselves to consider; but he for one would most cordially support the resolution.

MR. LAYMAN was understood to say that as the Government had not sought to move to reduce the damages, they must be satisfied that the amount awarded was fair. He therefore intended to support the motion.

MR. PARKER said it had not been his intention to have said anything on this subject, but as the hon. member for Greenough had pointedly appealed to him, it might seem strange if he did not make one or two observations on the subject. He might say that his sympathies were entirely with Egan in this case. He quite thought himself it was a hardship that a man who had obtained a verdict from a jury of his countrymen should have the amount awarded to him withheld. But he believed there was a very important question, as affecting the Royal prerogative, involved in this action, —a question that really went to the whole gist of the action, the question, namely, of whether, under the local statute, a man could sue the Government, under such circumstances as attended the present case? As the hon. member for Greenough had pointed out, the whole question was settled so far as this colony was concerned, the amount of damages being under £500. But the case, involving as it did an important question of law, might, by the permission of the Privy Council itself, be referred to that tribunal, which was what the Government were seeking to do. He did not think there was anything very strange in the Government seeking the advice of the Crown law officers as to whether they could appeal to the Privy Council upon an important point of law. It was done every day in other colonies. Moreover, the damages obtained by the plaintiff would bear the highest rate of interest, pending the time the money was paid to him—in the event of the Privy Council upholding the judgment; so that the man would not be much damnified, though, for his own part, he should have been glad if the Government had paid the money at once. He should have been still more glad of

this, because the Governor elected to send the case to the Supreme Court for trial, whereas, if he wished, and he had been so advised, he might have adopted another course. But, having sent it down to a jury to decide, and the jury having decided against them, and the Supreme Court having confirmed that decision, he should have been glad if the Government had accepted the verdict of the jury and paid the money. So far as his own humble opinion went, he could not help thinking that the Governor had waived the right that he had, so far as the Royal prerogative was concerned, when he elected to send the case to the Supreme Court for trial; and, if the question ever should come before the Privy Council on appeal, he thought the appeal would be decided in favor of the plaintiff, Egan, and that the Governor was now estopped from saying that the Supreme Court had no right to deal with the question of the Royal prerogative. He could not agree, however, with the hon. member for Wellington, that the Government in taking the action which they had done were treating the Supreme Court with contempt. Appeals from the decision of such Courts were of daily occurrence, and most Judges were only too glad to have their judgments appealed from, when there was any important or novel principle involved. His sympathies, as he had already said, were with Egan, but as he regarded the motion as an interference with the functions of the Executive, he proposed to follow the same course as the hon. member for Fremantle, and abstain from voting either way.

MR. VENN said he had been glad to hear the remarks that had fallen from the hon. the senior member for Perth with reference to this case, for they showed that the views which he (Mr. Venn) entertained on the subject were shared by that hon. and learned member. He could not endorse the hon. member's action when he said he would leave the House and not vote either way, if the question came to a division; for he had the courage of his opinions and would show by his vote what those opinions were. The hon. member had misunderstood him when he said that the action of the Government in refusing to bow to the judgment of the Supreme Court was calculated to bring the Court into contempt. When he said that, he did not mean that the mere fact

of the Government appealing from the decision of the Court showed any contempt for the Court. What he meant to say was that the Government, by pursuing the course which it did, had forfeited the right of appealing; and, in that view, he was supported by the hon. member himself. He was not so silly as to suppose that because an appeal was made from the judgment of the Supreme Court that Court should feel aggrieved. This was not a case of appeal, but the case of a Government asking whether they had the right of appeal. He thought that of all people in the world who ought to uphold the dignity and the judgments of the tribunals of the country the Government ought to do so; and, when they did not do so, he thought they were setting a bad example, and an improper one in every possible way.

The motion was then put, and, a division being called for, the numbers reported were—

Ayes ...	...	...	6
Noes ...	...	...	12

Majority against ... 6

AYES.
Mr. Forrest
Mr. Hensman
Mr. Keane
Mr. Layman
Mr. Pearce
Mr. Veun (Teller.)

NOES.
Mr. E. R. Brockman
Sir T. C. Campbell, Bart.
Mr. Congdon
Captain Fawcett
Hon. Sir M. Fraser
Mr. James
Mr. Loton
Mr. McKee
Mr. Randell
Mr. Richardson
Hon. J. A. Wright
Hon. C. N. Warton
(Teller.)

The motion was consequently negatived.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

THE SPEAKER announced the receipt of the following Messages from His Excellency the Governor:

MESSAGE (No. 21): MRS. ASHTON'S AND MRS. SMITH'S GRATUITIES.

"In reply to Addresses of the Honorable the Legislative Council Nos. 16 and 17, of the 27th of July, the Governor has the honor to state that a gratuity of £500 to the widow of the late Captain Smith, Commissioner of Police and Acting Colonial Secretary, and of £250 to the widow of the late Mr. E. Ashton, of the Postal Department, will, as

"desired by Your Honorable House, be placed upon the Supplementary Estimates for the current year.

"Government House, Perth, 1st August, 1887."

MESSAGE (No. 22): LIFE ASSURANCE COMPANIES.

"In reply to Address of the Honorable the Legislative Council No. 15, dated the 27th ultimo, recommending the introduction of a Bill regulating Life Assurance Companies in this Colony, the Governor has the honor to state that the subject will receive attention. Government House, Perth, 1st August, 1887."

MESSAGE (No. 23): BLUE BOOK RETURNS.

"The Governor has the honor to inform the Honorable the Legislative Council that he will comply with the request contained in the Address of Your Honorable House, No. 18, dated the 29th ultimo, respecting the collection and publication of the Returns of Agricultural Produce for the Blue Book. Government House, Perth, 1st August, 1887."

MESSAGE (No. 24): NUMBER OF NATIVES ENGAGED IN PEARL FISHERIES.

"In reply to Address No. 19 of the Honorable the Legislative Council, asking for a Return showing the number of Aboriginal natives engaged in the Pearl Shell Fisheries for the seasons 1884-1885, 1885-1886, and 1886-1887, the Governor has the honor to state that the return in question will be called for. Government House, Perth, 1st August, 1887."

MESSAGE (No. 25): HARBOR WORKS, FREMANTLE.

"The Governor has the honor to inquire whether the Honorable the Legislative Council is prepared, during the present Session, to favor him with an expression of opinion respecting the adoption of the Report of Sir John Coode, as the basis of future Harbor works at Fremantle.

"2. The correspondence and arrangements preliminary to the commencement of the execution of the design

"recommended by Sir John Coode would occupy several months, and there seems no reason why, if the design be generally approved in principle, these should not be proceeded with, pending the consideration of the question of the Loan necessary for the prosecution of the undertaking."

"3. It would doubtless be convenient to Your Honorable House to have before it, when considering the financial part of the matter next Session, the detailed Estimates of the works, and of the staff, plant, and material required in order to begin them in a proper manner."

"Government House, Perth, 1st August, 1887."

£5,000 REWARD FOR DISCOVERY OF A GOLDFIELD: MR. CHARLES HALL'S CLAIM.

MR. FORREST, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he would be pleased to cause the reward of £5,000 advertised by the Government for the discovery of a goldfield in Western Australia to be paid to Mr. Charles Hall, the original discoverer of the Kimberley goldfields. In moving this resolution, the hon. member said he would ask the indulgence of the House while he referred to the terms of the reward offered by the Government. The conditions were that the goldfields must be within a radius of 300 miles from some declared port of the colony—a condition that was fulfilled in the case of the Kimberley goldfields. The money was payable when no less than 10,000 ounces of gold, either alluvial or crushed from quartz, and obtained from the goldfield in respect of which the claim was made, had been obtained, within a period of two years of the registration of the position of the goldfield. This also was a condition which the Kimberley goldfields would undoubtedly fulfil. The discoverer of those fields, therefore, had a strong claim to the reward, and he hoped the Government would be prepared to recognise it, and pay him the money due to him. He was aware that last month a proclamation had been issued by the Government to the following effect:

"With reference to the applications received for a reward in connection

"with the discovery of the Kimberley goldfield, it is hereby notified that the consideration of the applications has been deferred until the period of two years from the proclamation of the goldfield shall have been completed, namely, until the 19th May, 1888."

He might inform the House that at a public meeting held at Derby some short time ago, a petition was got up and signed by about forty miners and squatters in the district pointing out the validity of Mr. Hall's claim, and urging that it should be recognised by the Government. He had no wish himself to press Mr. Hall's claims particularly upon the House, nor the claims of any other party; he only wished that the Government, in taking into consideration the apportionment of the reward amongst the various claimants—for he understood there were several—would bear in mind this man's claim, and that he was the first actual discoverer of gold in the district. He would be content to leave the matter in the hands of the Government, without pressing his motion to a division, if he received an assurance from the Colonial Secretary that Mr. Hall's claims would receive due recognition when the time came to distribute the reward. He understood the executors of the late Mr. Hardman, the Government Geologist, had amongst others put in a claim to the reward, or a portion of it; but he hoped the Government would not lose sight of the rights of Mr. Hall, who expended nearly all he had in prospecting in the district, and who certainly was the first man to bring the news to Derby of the discovery of a goldfield.

MR. McRAE, in seconding the motion, said he knew that Hall came to the colony with the object of prospecting for gold, and that he found gold in the district before ever Mr. Hardman came to the colony; and he went to a great deal of expense in equipping a large party. It was while he was at Derby that he heard of Mr. Hardman having found the color of gold; and he (Mr. Hall) was the first to obtain any quantity of the precious metal. Under the circumstances, he thought he was justly entitled to the greater portion of the reward. He thought, however, they might leave the apportionment of the reward to the Government, for he felt

confident they would be inclined to do justice to Hall's claim.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he had always been particularly interested in the subject of gold discoveries in this colony, and he might mention that it was he who, fifteen years ago, drafted the first proclamation offering the reward of £5,000 for the discovery of a payable goldfield. At that time, he need hardly say, they never expected to go so far afield as Kimberley to make the discovery; and it was to the present member for that district (Mr. A. Forrest), who had distinguished himself as an explorer, that they owed the discovery he might say of the district itself,—a district which had proved the richest portion of our territory. To some extent he (Sir Malcolm) felt that he had been associated with the hon. member in this matter, as the hon. member had served under him in the Survey Department when he had charge of that department. With regard to the reward, several individuals had sent in claims, which were duly considered by the Government at the time; and the result was the promulgation of the *Gazette* notice which the hon. member had read to the House, intimating that the consideration of the applications had been deferred until the period of two years from the proclamation of the goldfield shall have been completed, which would not be until May, 1888. He assured the House that when the time arrived for finally disposing of the applications sent in, the Government would exercise the greatest care in weighing the claims of the respective applicants, including Mr. Hall's claims.

MR. A. FORREST expressed himself satisfied with the assurance, and asked for leave to withdraw his motion.

Leave given, and motion withdrawn.

COST OF IMPERIAL CONVICTS.

MR. PARKER, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to furnish the House with a return showing the whole cost of the Imperial convicts taken over by the colony during the year ended the 31st March last; and, also, showing the amount paid by the

Imperial Government towards such cost. The hon. member said the general impression at the time the local Government took over the Convict Establishment was that they would see their way clear to effect a considerable saving in the cost of the maintenance of prisoners, by amalgamating the Perth and the Fremantle prison establishments, or by the adoption of some means whereby the labor of the prisoners might be more profitably utilised. The desire at the time was that there should be one instead of two prisons, it being obvious there would thus be a great saving in the cost of supervision; and the object he had in moving this address was simply so that the House might be placed in possession of the actual cost to the colony of the maintenance of the Imperial establishment which this Government took over last year, so that the House might see whether we were losing or gaining by the transfer; and with the ultimate view, if agreeable to hon. members, of moving a resolution with the idea of effecting a saving in the cost of the maintenance of these prisoners.

MR. SHENTON, in seconding the address, said he was one of the members of the Commission appointed to report upon the question of the transfer of the Convict Establishment to the local Government; and that Commission made certain recommendations, which he thought could hardly be said to have been carried out. He thought, for this reason, the cost of the establishment had been larger than the House had expected, and he thought it was very desirable that the House should be placed in possession of the return now moved for.

Motion agreed to.

IMPROVEMENTS OF SWAN RIVER BAR.

MR. RANDELL, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to place the sum of £1,000 on the Supplementary Estimates for 1887, for the purpose of improving the navigation of the River Swan at and near the Bar, Fremantle; such improvements to consist of widening the North Passage by blasting and removing the rocks to a further width of 100 feet, by removing back and

straightening the wall on the North side of the Passage, removing the obstructions which have fallen into the Passage from the said wall, and dredging the channels leading over the Bar, and also to the North Jetty, Fremantle. The hon. member said the necessity for undertaking these improvements had not long ago been somewhat painfully accentuated by the wreck of a steamer, belonging to a Perth firm, in crossing this bar, resulting in a severe pecuniary loss to the owners. The passage, as hon. members were aware, was a very narrow one. The wall erected on the North side had a considerable point or curvature projecting into the river, which had the effect of causing a heavy current, resulting in the accumulation of drift and weed, thereby making it an exceedingly difficult operation for a steamer, especially under unfavorable circumstances as regards the weather, to pass out of the river into the harbor, or *vice versa*. There was also a difficulty in reaching the North Jetty at Fremantle, caused by the obstruction resulting from the accumulation of sand. The difficulty, however, was not a very serious one, and could be easily removed by the steam dredge, or—in the event of the steam dredge not being available—by employing what was known as a spoon dredger. But the main object he had in view was the widening of the North Passage, by blasting and removing the obstructing rocks, to a further width of about 100ft., which he thought would answer the purpose. He thought the House would recognise the desirability of carrying out these improvements. He considered that those who had been engaged in this river trade for so many years had, he might say, a vested right to the consideration of the Legislature in this matter. He believed there were not many people who would not admit the desirability of improving the navigation of a river, which, notwithstanding some drawbacks, might still be regarded as a splendid highway. In other parts of the world, immense expenditure was incurred in improving and increasing the facilities of river navigation, which in all cases was found to be the cheapest and the best means of transport; and he hoped he should have the support of the House in his endeavor to improve the navigation of this river. He thought the question was of sufficient

importance and urgency to justify him in asking the House to place the amount asked for on the Supplementary Estimates, which, he believed, if devoted to the object he had specified, would accomplish the end in view. If his expectations should be realised, as he had every reason to think they would, he thought this £1,000 would be money well spent. There had not been any great expenditure incurred in river improvements for many years; and he need hardly remind the House that Sir John Coode in his reports had strongly recommended that certain improvements should be made in the navigation of the Swan.

MR. KEANE said he had much pleasure in seconding the motion. He was sure they must all agree that if the river mouth were opened up it would be a very good thing, if only providing a little wholesome competition with the railway. He did not think the amount asked for was anything out of the way, if it would effect the object in view. No doubt this river, as the hon. member had told them, was a fine highway, which ought if possible to be kept open, until at any rate we had a breakwater at Fremantle, where ships and steamers could come alongside and discharge direct into railway trucks. He thought the House would be inclined to look at this matter, not as a personal one to the hon. member moving it, or even a local one, for it appeared to him that the improvement of the navigation of this river would be a public benefit, reducing as it would the cost of the conveyance of goods to and from the harbor.

THE DIRECTOR OF PUBLIC WORKS (Hon J. A. Wright) said he fully appreciated the correctness of the remarks which had been made by the mover of the resolution, and he quite agreed with every argument put forward by the hon. member; but he could hardly appreciate the argument of the seconder of the resolution, that the navigation of the river ought to be improved so as to enable it to enter into competition with the railway. The hon. member could scarcely expect him to appreciate that argument. But, so far as the address was concerned, he quite agreed that something should be done at once to improve the navigation at the entrance of this river. Nothing had been done in

the way of improving the river for the last two or three years, simply in deference to the wish of Sir John Coode, who had expressed a desire that nothing should be done to the river until we received his report. Consequently the river had gone from bad to worse, and the mouth of it was now in such a state that it was almost impossible for any vessel or steamer to come in or go out. He would ask the hon. member, however, that he should not tie him down to the specific terms of his resolution, as to the precise width of the widening and the other improvements necessary. He had the greatest possible belief in the hon. member's knowledge of the river; but there must be some little latitude allowed to the Works Department. The next thing to be considered was the question of funds. To place this amount on the Supplementary Estimates was, he was afraid, impossible, and he would suggest that the £1,000 asked for be temporarily diverted from the loan money lying to the credit of harbor improvements at Fremantle. He believed this work could fairly be regarded as an improvement of the harbor, and they would be perfectly justified in temporarily diverting a portion of the harbor loan funds for this purpose.

Mr. MARMION regretted he was unable to agree to any further diversion of the harbor works money. He thought that fund had already been trenched upon quite enough. Hon. members seemed to regard it as a sort of milch cow, which they could go to whenever any other source of supply ran short. He was getting rather tired of this constant appeal to the Fremantle harbor works fund; and, so far as he was concerned, he should set his face against any further diversion. So far as the work proposed by the hon. member Mr. Randell was concerned, he quite agreed that it was a necessary and useful work, and he should be very glad to see the proposed improvements carried out. But he was afraid it was one of those undertakings they were often called upon to embark in without the slightest idea as to the ultimate cost. In his own opinion £1,000 would practically do nothing towards what the hon. member required: he thought it would take five times that amount; and what he was afraid of was that if they voted this £1,000 this year,

they would want another £1,000 next year, and the same for the next four or five years at least. He sympathised with the desire of the hon. member to have the work carried out, and would be prepared to support any reasonable proposal for obtaining the necessary funds. But he must put his foot down against any further diversion of harbor works loan money. He protested against that money being touched for this or any other object except that for which the money was borrowed and appropriated. He thought there were other items included in the Loan Schedule that might be called upon to supply the wants of the community, rather than that this unfortunate harbor works fund should be called upon to provide the means for carrying out all sorts of undertakings. It was neither fair nor just to the town of Fremantle that its interests should in this way be made subservient to the requirements of other places; and he must once more enter his protest against it, and strongly too.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said this question of improving the river bar had been before them for a great many years, and he must confess he was rather nonplussed as to what was to be done in the matter. He thought the dredge had been taken down to Fremantle to be refitted, and set to work cleaning this river channel, and the approach to the jetty. He was aware of the difficulties of crossing the river bar, and also of approaching the jetty, and he saw no reason why the dredge should not be set to work to clear the latter. He also thought the entrance might be improved in the same way, without taking a separate vote. We must not burn our candle at both ends. We had spent a large sum of money in constructing our Eastern Railway, and, however much our sympathies might be with those who were engaged in the river trade, and who had been engaged in it for many years, he could not admit that they had any vested interest which that House was called upon to protect. We had endeavored to advance with the times in the construction of railways, and we ought to try to make our railways reproductive. We also proposed to expend a large sum upon harbor works, which, when carried out, would enable ships to discharge their

cargo right on to the railway, and the river then would only be used for yachting purposes.

Mr. A. FORREST opposed the motion. That House had spent large sums of money in railway construction, and they intended to spend more, and they also intended to spend a large sum in harbor improvements; and he did not see why they should expend money in improving the river navigation to compete against the railway. Sir John Coode, it appeared, did not believe in spending money in attempting to improve the river; and he thought he ought to be a good judge of what was best to be done; and, according to his opinion, the best thing to be done with the river was to let it alone. Under the circumstances, he (Mr. Forrest) did not think the House would be justified in voting any more money for river improvements. He thought they might as well pitch it over the hill into the sea.

Mr. LOTON said he intended to support the motion. He was not in favor, as hon. members were aware, of voting large sums on the Supplementary Estimates except in case of urgent necessity; and in this instance he looked upon the present vote as an emergency vote. It was a work that was very much needed. Some hon. members, it appeared, would prefer spending money upon artificial highways in the shape of a railway rather than spend it in preserving and improving the natural highway which we had at our very doors. In all other countries water ways were the object of every attention, notwithstanding the introduction of railways,—even when these railways ran alongside, and competed with the river navigation. With regard to the relative cost of water carriage and railway carriage, it cost nearly double as much to get goods on board a vessel by rail as it did by water. It effected a saving of about 5s. per ton between Perth and Fremantle harbor, and, he would ask whether 5s. a ton in the carriage of their goods was not worthy of consideration, not only to the people of these towns but also to the country. He thought these improvements should be commenced at once. He did not profess to know what would be a sufficient amount to carry them out, but he thought the mover of the resolution was quite competent to form a very fair opinion not only of the probable cost

but also of the nature of the improvements that were necessary. There were a number of items on the Supplementary Estimates which he thought it might be advisable to strike off, in order to put this one on, if there was no other way of obtaining the necessary funds.

Mr. SHENTON said he also looked upon this matter as one of urgent necessity, and so much so that the House would be justified in placing it on the Supplementary Estimates, so as to admit of the work being undertaken at once. He thought it was the duty of the House to keep open the natural water-way between the Port and the City, if possible. He had no doubt the Government would be able to find the money as they had done in other cases of emergency; and it was his intention to support the address.

Mr. PEARSE said it was his intention also to support the presentation of this address. He thought it was very desirable indeed that the river should be made navigable,—desirable in the interests of the community at large. Without the river, the railway would have a monopoly of the traffic, which he thought would not be a good thing for the public. As to the probable cost of the improvements contemplated, he did not think the hon. member who had brought the matter forward was likely, with his practical knowledge, to be very far astray in his estimate. At the same time, like his hon. colleague, he must strenuously oppose any further diversion of the harbor works loan money. He concurred with the hon. member, Mr. Loton, that there were votes on the Supplementary Estimates which might well be made to give way to this very necessary work.

Mr. LAYMAN said if he thought the amount asked for would suffice to complete the work he should certainly vote for it; but they had it on pretty good authority that it would cost £5,000, and, very likely, when it came to the test, it would cost even more. Large sums had already been spent on this river bar, and with very little practical result. As to where the money was to come from, he could not understand how the hon. members for Fremantle could ask them to take it from any other vote than that intended for harbor improvements, seeing that the proposed work was in reality a part of those harbor improvements.

MR. RANDELL said, with regard to what had fallen from the Director of Public Works as to not tying his hands to the specific improvements contemplated in the resolution, he was not particularly wedded to the details sketched out in the address, but he had thought it would only be proper that he should indicate to the House the mode in which he thought the result he wished to attain would be accomplished. He wished to acknowledge the generous way in which the proposal had been received by the Director of Public Works. The hon. gentleman might have taken the narrow view which had been taken by the hon. member for Kimberley, at which he must say he had been very much surprised when he considered that the hon. member was one of those who were supposed to be on the side of liberal opinions. The hon. member, however, had spoken without any knowledge of the subject. Railway communication would never entirely supersede river navigation, and, so long as railways lasted, there would always be a demand for water carriage between Perth and the harbor at Fremantle. Supposing, for instance, the railway bridge at Fremantle were by some accident destroyed, what would become of the mercantile business of the port and the city, if the river were unnavigable? He was quite willing to leave the details of the proposed improvements to the Director of Public Works, who of course was more competent than he was to determine the best measures to effect the object in view. As to the question of ways and means, the work was of the utmost importance if the navigation of the river was to be maintained, and, if there should be any difficulty in providing the money on the Supplementary Estimates, he thought it might fairly be diverted, temporarily at any rate, from the harbor works loan, upon the understanding that it should be refunded.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said that in order to meet what appeared to be the views of the House, he would move, as an amendment, to strike out the words "to place the sum of £1,000 on the Supplementary Estimates for 1887," and insert the following—"to appropriate the sum of £1,000 from the unexpended balance of the 1884 Loan."

MR. MARMION said he felt it his duty—a duty he did not intend to shirk any longer—to enter a solemn protest against any further appropriation of the loan money set apart for harbor improvements at Fremantle. He had on a former occasion lent himself to the temporary diversion of a portion of that money, for a purpose which he considered at the time to be of such practical public utility that he was justified, in his position as the representative of the town of Fremantle, in agreeing to such temporary diversion. But he did not feel that he was justified in doing so in the present instance; nor did he feel that he could, in the interests of his Fremantle constituency, stand by without raising his voice strongly, and urging his most solemn protest, against any further diversion of this fund. It was his intention to add a proviso, that the money shall not be taken out of the harbor works loan. Let it be taken from some of the other votes of far less importance, and which probably would not be required for years to come.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said the only vote from which the money for such a work could be legitimately taken was the Fremantle harbor vote, upon which he considered this might be fairly and legitimately made a charge. As to comparing that vote to a "milch cow," he thought it would be more appropriate if he were to compare the hon. member himself to the fabled dog-in-the-manger, for, although this money was lying idle, he would not allow it to be used, if he could help it, for a useful purpose like this. It seemed somewhat inconsistent upon the part of the hon. member, who talked so much about harbor improvements at Fremantle, that when it was proposed to execute a work which would tend to improve the river approach to that harbor he should be the only one to oppose it.

The amendment introduced by the ATTORNEY GENERAL was then put—that the money be appropriated out of the unexpended balance of the Loan of 1884. A division being called for, there appeared—

Ayes	16
Noes	5
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Majority for	11

AYES.
Mr. H. Brockman
Mr. E. B. Brockman
Mr. Congdon
Mr. Harper
Mr. James
Mr. Keane
Mr. Layman
Mr. Loton
Mr. Randell
Mr. Richardson
Mr. Scott
Mr. Shenton
Mr. Sholl
Mr. Venn
Hon. J. A. Wright
Hon. C. N. Warton
(Teller.)

NOES.
Mr. Forrest
Hon. Sir M. Fraser
Mr. McKee
Mr. Pearse
Mr. Marmion (Teller.)

Question put—"That this address, as amended, be presented":

THE SPEAKER: The Ayes have it.

MR. MARMION: Am I too late to move a further amendment?

THE SPEAKER: The hon. member is too late, upon the voices; but the hon. member may call for a division.

MR. MARMION: Then I do so.

The House having again divided, the numbers were—

Ayes ...	...	...	15
Noes ...	...	...	6

Majority for ... 9

AYES.
Mr. H. Brockman
Mr. E. B. Brockman
Mr. Congdon
Mr. Harper
Mr. James
Mr. Keane
Mr. Layman
Mr. Loton
Mr. Randell
Mr. Scott
Mr. Shenton
Mr. Sholl
Mr. Venn
Hon. J. A. Wright
Hon. C. N. Warton
(Teller.)

NOES.
Mr. Forrest
Hon. Sir M. Fraser
Mr. McKee
Mr. Pearse
Mr. Richardson
Mr. Marmion (Teller.)

Motion for presentation of address carried.

REWARD FOR DISCOVERY OF A PAYABLE COALFIELD.

ADJOURNED DEBATE.

On the order of the day for the resumption of the debate upon the address moved by Mr. A. FORREST—that a reward of £5,000 be offered for the discovery of a payable coalfield within one hundred miles from a known port, such reward to be paid when 5,000 tons of coal are ready for shipment—

MR. VENN, without comment, moved that the figures "£5,000" be struck out, and "£1,000" inserted in lieu thereof.

MR. RICHARDSON suggested that the distance from a port of shipment should also be reduced. He thought a

coalfield situated 100 miles from the coast would be practically useless, as it would never pay to cart coal that distance. Coal could be landed in the colony much cheaper from Newcastle.

MR. VENN amended his motion by adding that the words "one hundred" be struck out, and "fifty" inserted in lieu thereof.

The amendments were agreed to, *nem. con.*

Address, as amended, put and passed.

BILLS OF SALE ACT, 1879, AMENDMENT BILL.

MR. PARKER, in moving the second reading of a bill to further amend "The Bills of Sale Act, 1879," said that the Act in question provided that all bills of sale must be registered within thirty days of the date of their execution; and it had been found that, so far as the North district was concerned, it was a very difficult matter indeed, in consequence of the distance of that part of the colony from Perth, to have bills of sale executed and registered within the time mentioned in the Act. Under the provisions of the Act dealing with the registration of liens upon wool, three months was allowed within which to register, and he proposed to extend the time under the present bill for the registration of bills of sale to ninety days instead of thirty. He did so in the interests of Northern residents, and on the representation of settlers residing in that district, so as to facilitate the execution and registration of these securities, for the protection of the banks and others who advanced money to station-holders for the improvement of their properties. By the Bills of Sale Act these documents took priority according to the date of their registration, and this extension of time would not have the effect of unnecessarily postponing the registration, but it would be a great boon to settlers and others residing at a distance, who were indebted to the banks in a great measure for the funds necessary to enable them to improve their stations.

The motion for the second reading was agreed to, *sub silentio*.

PRISONERS EMPLOYMENT BILL.

Read a third time and passed.

INQUIRIES INTO WRECKS BILL.
Read a third time and passed.

DOCUMENTARY EVIDENCE BILL.
Read a third time and passed.

The House adjourned at a quarter to eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 2nd August, 1887.

Existence of Rabbits at Cheyne's Beach—Proposed Telegraph Station at Yule River—Message (No. 26): Protection of the Fruit-growing Industry—Innkeepers Relief Bill: first reading—Supplementary Estimates, 1887: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

EXISTENCE OF RABBITS AT CHEYNE'S BEACH.

MR. RICHARDSON, in accordance with notice, asked the Colonial Secretary if the steps taken for the destruction of rabbits in the vicinity of Cheyne's Beach, near Albany, had completed the eradication of those pests; and also if sufficient measures had been adopted for effecting the destruction of the rabbits known to exist in considerable numbers on the islands on the southern coast of the colony.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) replied that Mr. Inspector Hare believed that the rabbits had all been exterminated in the vicinity of Cheyne's Beach, and the same officer reported that Rabbit Island was now clear, that Breaksea Island still contained a few, and that Bald Head Island abounded with them, as did many of the islands on the coast eastward. Mr. Hare considered it would be very expensive to get these islands cleared, that a

large sum would be required to do the thing systematically, and that unless the work were done systematically it would only be throwing money away.

TELEGRAPH STATION AT YULE RIVER.

MR. McRAE moved an address to the Governor, praying that a sufficient sum be placed on the Estimates for next year to provide the salary of a telegraph operator to be stationed at Messrs. McRae Bros.' station, Yule River, on the Derby and Roebourne telegraph line. The hon. member said that the first station on the Derby line was 150 miles from Roebourne, and between the two stations there were a great many settlers living, at or near the Yule River, who, in order to be able to utilise the telegraph at all, would have to travel to the DeGrey or into Roebourne. The number of settlers' stations who would be benefited by this proposed telegraph office was about ten, and there were two ports of call for pearling vessels within a few miles. It would not be a great tax upon the Government, because the owners of Yule station had offered to lend a building free of cost, close to the line, and also to board the telegraph operator at a very reasonable cost; so that it might be said it would cost the Government nothing for the upkeep of the station, as the receipts would be sufficient to pay the operator's salary.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the multiplication of telegraph offices was of course only a question of expense, and the hon. member had put the matter in a different form from that in which it had been placed before the Government, who, when the application was made to them, replied that there were no funds available, at the time. He was afraid the receipts would be very small. Of course it was a good thing to popularise these telegraph lines and to utilise them as much as possible, and give as many facilities as they reasonably could to the settlers and also to those engaged in the pearling industry; and although the revenue derived might not be sufficient to meet the cost, or anything like it, still it might be considered desirable, in the interests of the settlers, that this additional station should be established. But he thought the hon.