

Mr. DRUMMOND saw no reasonable objection to the insertion of the clause.

The SPEAKER supported the motion, and expressed his belief that if the present Bill became law it would destroy the best system of education adapted for this colony. The whole scope of the measure tended towards a denominational system.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it appeared to him that there existed a very strong feeling amongst hon. members against the Bill. If so, why not adopt the more manly and straightforward manner of moving that progress be reported, and so shelve the Bill? If there was no desire on the part of the majority of the House that the measure should be adopted, the better plan would be to let it be withdrawn. So long as he had breath to give utterance to his opinions he would contend that it was a fair and equitable measure. He had endeavored to carry through the House a Bill providing for perfect equality to all, but he was sorry to say he had failed.

The ATTORNEY GENERAL (Hon. R. J. Walcott) protested against wasting time in endless and useless discussion. If clauses and amendments were added to the Bill for the express purpose of rendering it inoperative and nugatory, why did not hon. members have the manliness to say so at once?

New clause put, upon which a division was called for, the result being as follows:—

Ayes 7
Noes 10

Majority against 3

Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Newman	The Hon. M. Fraser
Mr. Phillips	The Hon. R. J. Walcott
The Speaker	Mr. Shenton
Mr. Steere	Mr. Logue
Mr. Moore	Mr. Minger
Mr. Russell (Teller.)	Mr. Brown
	Mr. Hassell
	Mr. Gull
	Mr. Marmion (Teller.)

New clause thus negatived.

New clause—

Mr. STEERE moved the insertion of the following clause:—

All elementary schools shall be held in buildings approved of by the Central Board.

New clause agreed to.

New clause—

Mr. BROWN moved the insertion of a clause rendering it compulsory upon parents

residing within three miles of a school to send every child over six and under 14 years of age to such school, until a certain standard of education to be fixed by the bye-laws shall have been attained. The provisions of the clause were analogous to the compulsory clause in Forster's Act.

Mr. MARMION then moved that the parents whose children were so compelled to attend should have the privilege of choosing any elementary school within the provisions of the Bill.

Mr. BROWN moved that every school board might be empowered to appoint officers for the purpose of carrying out the bye-laws enacted with regard to compulsory education, and that all expenses attendant thereupon should be defrayed out of the school grant.

Amendments agreed to.

New clause, as amended, agreed to.

Bill reported, with amendments.

The Council adjourned at 11.30 p.m.

LEGISLATIVE COUNCIL,

Thursday, 3rd August, 1871.

Library—Electro-Magnetic Telegraph Company Limited: in committee—Small Debts Ordinance Amendment Bill: first reading—Public Works: in committee.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

The Minutes were read and confirmed.

LIBRARY.

The COLONIAL SECRETARY (Hon. F. P. Barlee), by command of His Excellency the Governor, informed the Council that His Excellency had been pleased to sanction the sum of £50 being placed on the Estimates for the Library in connection with the House, on the same understanding as the items for the Queen's plate, Volunteer Corps, and horticultural and agricultural societies.

ELECTRO-MAGNETIC TELEGRAPH COMPANY LIMITED.

Mr. SHENTON, in accordance with notice, moved that the letter from the Secretary of the Electro-Magnetic Telegraph Company Limited be taken into consideration.

Question put and passed.

In Committee.

Mr. SHENTON said that the letter requested that the company's plant should be admitted duty free. The value of the plant amounted to between £5,000 and £6,000, and the import duty, which had been imposed subsequent to the formation of the company, would amount to a very considerable sum.

The COLONIAL SECRETARY (Hon. F. P. Barlee), on the same grounds as the concession to Mr. Wanliss was objected to, resisted the application. It seemed to him that, in the present instance, there were even stronger reasons for refusing the concession sought than in the case of the Rockingham Timber Company, as the Government guaranteed six per cent to the shareholders of the Telegraph Company, so that the refusal would not affect the pockets of a single shareholder. He would be very glad to accede to these requests if the revenue of the colony admitted of such concessions, but under existing circumstances, he must oppose the memorial.

Progress reported.

SMALL DEBTS ORDINANCE AMENDMENT BILL.

First Reading.

Mr. NEWMAN, in accordance with notice, moved for leave to bring in a Bill to extend the provisions of the Small Debts Ordinance, 1863.

The Bill was read a first time.

PUBLIC WORKS.

In Committee.

Resumed debate.

Mr. SHENTON said he concurred, to a certain extent, in the observations of the hon. member for Fremantle (Mr. Newman) relative to the question of improving the Port of Fremantle by removing the obstructions on the bar and the river.

The SURVEYOR GENERAL (Hon. M. Fraser) stated there were two first principles in which all hon. members must concur, namely, that water would not run up a hill, and that nothing was stronger than its weakest point. The application of these principles to the question of improving the Port of Fremantle by removing the obstructions on the bar and the river were obvious. The uncertainty of the tides in the river, which were imperceptible in their action, could not counteract the influence of the ocean. Indeed, he contended that the action of the tide would

rather tend to create obstructions than to remove them. The scourage force of the river was not sufficient to keep the bar clear from silting. To open the bar, he believed, was possible, but to keep it clear, he considered, would be impracticable.

The SPEAKER said it had been the general practice of the Government of this colony to spend inconsiderately and foolishly the public funds. If ever money was thrown into the sea, it was the £999 paid to Mr. Doyne for his report on the river Swan, and upon one or two other matters connected with public works in the colony. He was sorry he could not support the resolution of the hon. member for Fremantle. Indeed it seemed to him that it was but a waste of time to discuss the merits or demerits of any contemplated scheme of public works, while our Treasury was empty, unless the Government came forward and submitted some plan for creating a public loan. The whole of the estimated revenue for 1872 would be expended upon the establishments of the colony. He thought that the scheme of a proposed jetty at, and a railway to, Jervoise Bay was a plan deserving of every consideration. He contended that all surveys of this and other public works might be accomplished by our own surveyors, without incurring the enormous expense of employing gentlemen from other colonies or elsewhere.

The COLONIAL SECRETARY (Hon. F. P. Barlee) contended that the expenditure of £999, in the payment of Mr. Doyne, for his professional services, was as wise an expenditure as ever was made in this colony, as the result of his labors already saved the expenditure of twice that amount. With regard to the proposition of the hon. member for Fremantle he would say that he entirely concurred with him in thinking that if the bar could be removed and the river Swan be made available, it would be preferable to any other work that could be undertaken at Fremantle, but the main objection to this work was the inability to calculate its cost, or to know whether, after an expenditure of £50,000, we would be any the nearer the object sought. The hon. member said he did not desire to press the motion, but would bring it forward year by year, in hopes of enlisting to it sympathy hereafter. He would be in a position of the quondam advocates in England of free trade, the ballot, marriage with deceased wife's sister, and other matters which had been advocated year by year and had made way by sheer determination. Twenty five years hence, if he was in the colony, and its funds were so prosperous as to make it a matter of little importance whether half a million

or so were spent on an experiment, he would pledge himself to vote for the motion of the hon. member.

The ATTORNEY GENERAL (Hon. R. J. Walcott) concurred, and pointed out the fact of what he facetiously described as "a small river in America, known as the Mississippi" being unable to clear itself of the obstructions at its bar. He feared that, at present, any attempt to improve Fremantle by the means suggested in the resolution before the House was premature.

Mr. GULL supported the views of the hon. member for Fremantle, and intimated his intention of supporting the annual motions of the hon. gentleman with regard to the improvement of the navigation of the river and the bar, both of which he considered practicable.

Mr. NEWMAN was pleased to find that the Hon. the Surveyor General had somewhat modified his opinions relative to the resolution that stood in his (Mr. Newman's) name. As to the Mississippi, he did not know much about it, and he very much questioned whether the Attorney General did either. (Laughter.) He would continue annually to submit the motion before the House, and he trusted that 25 years would not elapse before it would be adopted.

The resolution was negatived.

The COLONIAL SECRETARY (Hon. F. P. Barlee) then rose, and said that, as there seemed to be some desire on the part of the Council that some definite line should be laid down in regard to the question of public works generally, he would, with the leave of the House, endeavor to place before hon. members some definite resolution on the subject. There seemed to be a very general desire for the initiation of some public work, or works in the colony, and the Government had, accordingly prepared a scheme which he had already submitted to the House, together with a statement of the relative importance of the works enumerated therein. With the view of simplifying matters, he thought the better plan would be for him to submit a resolution to the House that the Council should consider the scheme of public works submitted by the Government, that it should decide on the relative merits and importance of those works, and further to determine whether all, or any, and which of the undertakings should be first initiated. These, he thought, were matters for legitimate debate, and fair consideration; but the great question was how to undertake the carrying out of such works as were decided upon. On the Estimates for the ensuing year,

taking the probable revenue for the whole year, there would be no funds available for any of the public works included in the Governmental scheme. Therefore, the question was, whether the House, as the representative of the people of the colony, was prepared to adopt increased taxation, and if so, to what extent. The House would bear in mind that nothing could be done in regard of a loan without first making provision for the payment of interest, and for securing a sinking fund, that this could not be done at once, and that it must have the approval of the Secretary of State. It would be necessary to draw out a scheme of public works to be undertaken, to obtain all the requisite information and all details, based upon reliable data, and forward the same for the confirmation of the Home Government. If the Council and the Government were unanimous and in accord on this point, he had no hesitation in stating his belief that a loan to the extent of £100,000, or even more, could be obtained. He had no direct official authority to make this assertion, but from what he had gathered from the tone of communications that had taken place between our own and the Imperial Government, he was quite prepared to state that no difficulty would arise on this question. It was not the intention of the Government, in the present state of the colony, to initiate any new scheme of taxation, unless requested to do so by the House. Therefore, he would ask hon. members to take this matter into consideration, and as soon as the Government was in possession of the expressed views of the Council on the question, he would be prepared to introduce, for the approval of the House, a Bill for a public loan. If, on the other hand, the Council was of opinion, that under existing circumstances it was inexpedient to impose fresh taxation, but that having affirmed that certain works were desirable, the House would authorise the Government, early next year, if the revenue increased—as he trusted it would—to undertake the necessary preliminary surveys with regard to the proposed works to be adopted, the House might then be summoned together specially for the purpose of passing a Loan Bill with the view of carrying on public works of greater magnitude than could be undertaken at present. With regard to the scheme of works already tabled, he would only make one or two observations relative to the question of steam communication. It was one in which he had taken a great deal of interest, and he considered it one of the utmost importance. If the Council was prepared to grant some little degree of latitude to the Executive, he thought we might be enabled before many months to

obtain a steamer on our coast, almost without expense at all. The mail service at present between Perth and Albany was conducted at an expense of £1,400 a year; between Perth and the Vasse and southern districts, for 1900, annually; between Perth and Champion Bay at an expense of £800; being an aggregate of £3,100 for mail services. The Albany contract could be annulled at any time by the payment of £300, and, doubtless, some arrangement might be arrived at by which the contract for the southern mails could be closed. The contract for the northern mails terminates at the end of the current year, and he thought if the Council would authorise the Government to offer a subsidy for one steamer at the rate of £150 per month, for a year, one could be obtained to carry the monthly mail between Albany and Fremantle, calling at the intermediate port of Bunbury, proceeding afterwards to Champion Bay, and making two or three additional trips between those ports in the interim. It was quite possible that in rounding the Leeuwin the steamer might meet with severe weather and be put out of repair; it would therefore be necessary to have a horse mail for the purpose of calling at intermediate stations, and an express in case of a breakdown with the English mail, which would cost from Perth to Albany, about £500, to the southern districts, £500, and to the northern districts, £400, being a total of £1,400, or rather less than one-half the present contract expenses. The difference between this £1,400 and the present cost of these mail services, £2,100, was £1,700, and for another £100 a steamer could be obtained.

Mr. STEERE thought there would not be the slightest chance for any single steamer to carry out what the hon. gentleman had sketched out, so as to ensure the same regularity in the mail service as at present. The steamer, from the tempestuous nature of a portion of its route, would need to be an extremely powerful one, and he questioned very much if one steamer would be able to perform the whole of the mail services. Doubtless, a steamer trading between Fremantle and Champion Bay might prove a success, and he had no objection to a subsidy of a £1,000 being offered to the first steamer plying on our coast. This amount, however, he contended should be paid out of the ordinary current revenue, and not out of a loan raised by increased taxation, all of which should be expended on reproductive public works. With regard to the jetty at Jervoise Bay, he considered the scheme a very feasible one, but he believed that, in a question of such paramount importance, the best plan would be to appoint a commission to report on the subject, after a

careful inspection of the spot, during all weather. In respect of railways, if Thompson's road steamers would prove a success—and after what hon. gentlemen had seen that day he presumed there could be no fear as to the result—he thought, that in the present state of the colony, a railway could be dispensed with. As to the question of coast surveys, he quite admitted the advisability of having proper surveys made of our principal ports, though he did not look upon this as a reproductive work, and therefore, he contended, it should be paid out of the current revenue. With regard to the other public works contemplated by the Government he considered they were all more or less desirable; but he thought the Government had shirked its responsibility in refusing to initiate a loan. He contended that this was its duty, and not that of the elected members. By-and-bye, if anything went wrong, the Government would say it had nothing to do with the matter, and would lay the blame upon the Legislative Council. That seemed the reason why it had shirked the responsibility of taking the initiative in the question of a loan connected with public works. But, if the Government had neglected its duty, he did not think that the Council would. There was a universal desire throughout the colony that a loan should be created, and he would support any scheme that would be brought forward that was likely to prove reproductive, and beneficial to the colony.

Mr. SHENTON declared himself in favor of the scheme of steam communication, and would support the projected jetty at, and railway to Jervoise Bay, if the report of the commissioners was favorable. The question of railways might be postponed until the capability and adaptability of Thompson's road steamer had been tested. He warmly advocated the claims of Champion Bay to a lighthouse, as well as a jetty; as also the laying down of moorings at the Irwin.

The SURVEYOR GENERAL (Hon. M. Fraser) maintained that there were no grounds for misapprehension as to the safety of Jervoise Bay in all weather. Though he had no faith in Thompson's road steamer, he trusted that traction engines could be obtained which would be adapted to the requirements of the colony, and which would obviate the necessity of a railway, at present. He advocated the improvement of the navigation of the river, so as to afford available water communication between North Fremantle and Guildford; and, hence to the eastern districts, traction engines would probably serve the requirements of those districts for the present.

Mr. LOGUE dwelt at some length on the advantages that would accrue from safe harborage at Champion Bay, and the extension of the jetty at Geraldton.

The ATTORNEY GENERAL (Hon. R. J. Walcott) could not concur in the observations of the hon. member for Wellington as to the relative duties of the Government and the Council as regarded the initiation of public works, and a public loan. The hon. gentleman had repudiated the duty of legislating on this matter, contending that the function of the representative members was criticism. He (the Attorney General) contended that it was the duty of every member in that House to assist the Government in legislating for the benefit and welfare of the colony. The Government had placed a scheme of public works before the House, with the view of eliciting discussion upon their relative importance; hon. members were asked which they considered the most necessary, within our means, and when the Government would be in possession of this information, everything would be done with the view of carrying out the wishes of the House. Had the Government pursued another course, and brought forward a Loan Bill, the hon. member for Wellington would then have said that the Council had not been consulted, and that the Government knew nothing about the requirements of the colony. He did not think that the country had sent 12 critics, and not 12 legislators, to represent it in that House. It was for hon. members, and not for the Government, to decide whether their constituencies were prepared and willing to undertake the additional burden of increased taxation.

Mr. BROWN defended the course pursued by the Government in the matter of public works, and enlisted the sympathy of the House on behalf of the northern districts which, he stated, were already agitating for concession. He supported the Government scheme of steam communication, considered it premature to decide upon the merits or demerits of Thompson's road steamer, and though his sympathies were with the hon. member for Fremantle, as regarded the claims of Fremantle, with its vested interest, he concurred in the advisability of a commission to report upon the capabilities of Jervoise Bay. He cordially supported the proposed scheme in reference to the construction of lighthouses and moorings at Champion Bay.

The SPEAKER was glad to observe that a better feeling appeared to exist between the elected members and the Government during the present session than the last; both parties seemed to work together better, and, by-and-

bye, he hoped to see them working hand in hand. It was very evident to him that no public work of any magnitude could be undertaken without first initiating a public loan, and the question was, how to raise the loan, independent of any feeling of who would be blamed or of who would be credited in the matter. For the information of the Government and the House he might state that the Western Australian Bank had not lost sight of the question since last session, and, although it was not in a position to advance so large a sum as £100,000, it had been in communication with its agents in England, and in the other colonies. The directors had consulted Mr. Purdy, the general manager of the South Australian Bank in London—a gentleman considered as a most reliable authority upon monetary transactions—and the bank was now in possession of very important information on the subject, which he was instructed to state was entirely at the service of the Government. He believed there would be no difficulty in raising a loan of £100,000, at a moderate interest of, say, 5 or 6 per cent. As to the projected scheme of public works, he was in favor of a moderate subsidy or bonus to a steam company that would first place a steamer on our coast. He was somewhat inclined to support the Surveyor General's scheme at Jervoise Bay, but recommended that a careful investigation should be instituted by practical persons as to the adaptability of the plan, before it was decided to adopt it. With regard to railways, he believed the cost of constructing one, had been underestimated by hon. members. He feared that a line to the eastern districts that would equally accommodate York, Northam, and Toodyay could not be constructed at much less than £600,000 or £700,000. He was in favor of the scheme as regarded the proposed moorings at Geographe Bay, Champion Bay and Fremantle. As to the other works, he would leave hon. members whose districts would be benefited by them to expatiate upon their desirability. He hoped that each work would be carefully considered, and that hon. members and the Government would work together harmoniously in so vitally an important a matter as the initiation of a loan, and the inauguration of public works.

The COLONIAL SECRETARY (Hon. F. P. Barlee) reciprocated the feelings of the Speaker, and if the Council and the Government did not work together in harmony it would be no fault, no intentional fault, on the part of the latter. He could not but contrast the tone of the remarks uttered by the hon. gentleman on the previous day with the remarks that had just then fallen from him.

Yesterday, the Government was charged by the hon. gentleman with always accompanying its measures with a threat, if any opposition or resistance was manifested, and he (the Colonial Secretary) merely alluded to the fact for the purpose of expressing how glad he was to observe the change of tone in the hon. gentleman's remarks. He might also contrast the observations that had just fallen from the Speaker with the remarks made that evening by the hon. member for Wellington, who had accused the Government of neglecting its duty and shirking its responsibility. Hon. gentlemen when they made general charges of that sort should be prepared to substantiate them. As to the relative duties of the Government and the Council, he concurred in the reply of his hon. and learned colleague, who had most completely refuted the arguments of the hon. member. In a work upon parliamentary practice which he had before him, it was laid down as an old maxim that the duty of the Opposition was to oppose everything and to propose nothing; but the author went on to say that the duties of a leader of an Opposition were such that he should not lend himself to thwart unnecessarily the progress of legislation in the hands of Ministers, but should rather endeavor to encourage a fair and free discussion in the House, and if in such discussion his party was fairly beaten, it became his duty to facilitate the progress of public business, even when he did not approve of the measures of the Government. He had served two sessions in that Council with the hon. member and he had yet to learn what he had done save that he had consistently and persistently opposed everything proposed by the Government, and neglected to put forward any distinct proposition of his own. Having briefly reviewed the Governmental scheme of public works, and defended its action in the matter, the Colonial Secretary then proceeded to state that, with the exception of a railway to the eastern districts, and the question of a steamer—which latter might be provided without trenching upon a loan—the whole of the public works contemplated by the Government could, he thought, be accomplished for the sum of from £30,000 to £35,000, which he considered could be raised in the colony, by inviting tenders for exchequer bills or bonds of £100. Once obtain the sanction of the Home Government to the creation of a loan, and in three or four months the works might be commenced.

After some further discussion,

Mr. NEWMAN proposed that the subject be referred to a select committee, consisting of the Hon. the Colonial Secretary, the Hon. the

Surveyor General, Mr. Drummond, Mr. Steere, and the Mover.

Mr. MARMION opposed the motion.

Mr. SHENTON moved that progress be reported, and leave asked to sit again.

Progress reported, and leave obtained to sit again.

The Council adjourned at 4.50 p.m.

LEGISLATIVE COUNCIL,

Friday, 4th August, 1871.

Pensioners' Benevolent Fund Ordinance Repeal Bill: first reading—28th Victoria, No. 2, Amendment Bill: second reading: in committee—Assent to Bills: Message from the Governor, No. 3—Tariff Act Amendment Bill: second reading: in committee—Public Works: in committee—Estimates: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

The Minutes were read and confirmed.

PENSIONERS' BENEVOLENT FUND ORDINANCE REPEAL BILL.

First Reading.

The ATTORNEY GENERAL (Hon. R. J. Walcott), in accordance with notice, moved for leave to introduce a Bill to repeal the Pensioners' Benevolent Fund Ordinance.

The Bill was read a first time.

28th VICTORIA, No. 2, AMENDMENT BILL.

Second Reading.

Mr. SHENTON, in moving that the Bill be now read a second time, said that the measure was to amend the Ordinance intituled "The Enquiries into Wrecks Ordinance, 1864." The object of the Bill was to enable the principal officer of the customs and the justice of the peace associated with him in enquiries under the above Ordinance, to take the deposition on oath of persons offered as witnesses who were about to leave the colony, and whose evidence might be deemed necessary for or against the person or persons whose conduct was to be enquired into.

The Bill was read a second time, without discussion.