

division was called for, the result being as follows:—

Ayes ..... 9  
Noes ..... 8

Majority for ..... 1

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

Amendment thus passed.

Item, as amended, agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 6.30 p.m.

## LEGISLATIVE COUNCIL,

Wednesday, 4th January, 1871.

Representation of the People Bill: select committee report—14th Victoria, No. 6, Amendment Bill: in committee—Mrs. Peter Brown: application for assistance—Messenger for the House—Survey Department—Management of Convicts—Wild Horses and Cattle Nuisance Bill: second reading: in committee—Local Boards Bill: select committee report—Public Loan Bill—Estimates: in committee.

The SPEAKER took the Chair 4 p.m.

## PRAYERS

## REPRESENTATION OF THE PEOPLE BILL.

Select Committee Report.

The COLONIAL SECRETARY (Hon. F. P. Barlee) enquired about the progress of the select committee appointed to consider the franchise and the property qualification of members.

Mr. STEERE said that in consequence of the large amount of committee business he had to perform, he found it impossible to consider that question at present, but at the next meeting of the Council he would present the report of the committee, without fail.

## 14th VICTORIA, No. 6, AMENDMENT BILL.

In Committee.

Resumed debate.

Clauses 1 and 2—

Mr. DRUMMOND said that when on Wednesday last he asked permission to withdraw the Bill he had introduced, he was in considerable doubt as to whether he would bring it forward again, reflecting upon the

dire results which would follow from it—according to what had fallen from the Hon. the Colonial Secretary and the Hon. the Attorney General. He had made alterations in the Bill he now brought forward, as he had no desire whatever to take any power from the Governor. He would not again repeat what he had already said on this subject. He believed that the Bill, as amended, would prove a remedy for what he considered a great injustice under the 14 Victoria No. 6. According to the rules and regulations given to ticket of leave men, if they have been guilty of any offence and have been convicted thereof before one or more justices of the peace, their ticket is thereupon revoked. His object was that a similar course of proceeding should be pursued in cases of immoral and disorderly conduct. The information regarding such matters is always, or nearly so, received through the police, and he contended that the magistrates in the districts were much more competent to judge of a man's conduct than either the Governor or the Comptroller General. Magistrates now sent men down for offences of a disorderly and immoral nature, but he could not say whether they had that power or not, yet it is done. He would read his amendments. After the word "shall" the clause shall read thus:—"Be lawful for the said Governor to revoke the ticket of leave of any convict, for any immoral or disorderly conduct, who shall have been duly heard in his defence upon the charge preferred against him by one or more justices of the peace for the said colony, who shall make a report in writing to the said Governor of the nature of such charge. Clause 2.—It shall be lawful for any one or more justices of the peace to hear and determine any such charges of immoral conduct preferred against any ticket of leave holder; and he or they are hereby empowered and directed to make a report in writing as aforesaid." He would add a few more words. In many instances where men were convicted and sent to the establishment for a certain time, additional punishment had been imposed upon them by the Comptroller General, which he thought very unjust.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that he had already given his opinion on this Bill, and he saw no reason to retract anything he had said on that occasion. The same objectionable matters were now before them, only in a different shape. The Governor has now the power to revoke the ticket of any ticket of leave man on the report of the magistrate, or indeed of any other person. He would not object to the clauses, because they only enact what is now done shall still be done.

Mr. DRUMMOND: One of the clauses I suggested gives the man an opportunity of being heard in his defence.

Mr. BROWN considered that the whole subject of the 14 Victoria No. 6 was one with which the colony had no right to interfere. The 14 Victoria No. 6 was introduced by the express command of the Imperial Government, and as the cost of maintaining the convicts was borne by the Imperial Government, he contended they had no right to interfere with their control and management. The ticket of leave man was only a convict at large, and the power that granted license could revoke it on a charge of immoral or disorderly conduct. He had no doubt the hon. member for Toodyay had the very best intentions in bringing forward the Bill, but it would not only prove ineffectual, but place in the hands of magistrates more power over ticket of leave men than they possessed before. The hon. member for Toodyay contended that the magistrates had the best means of knowing the character of ticket of leave men in their district. There he was mistaken. The Comptroller General kept in his office a record of the conduct of every ticket of leave man, and is therefore well acquainted with his history. As far as practicable, he was in favor of a man being heard on his trial before imprisonment, but it might happen that could not be done. It sometimes occurred in the case of a free man; he is arrested on a warrant and is committed to prison, and may remain there days before he is heard in his defence, and after all he may prove to be an innocent person. The same thing might happen with a ticket of leave man. He would oppose the Bill, because it would be inoperative, and was no improvement on the existing Bill.

Mr. NEWMAN was not present the other night when the debate on this question took place, but he saw a good deal of it in the papers. He concurred generally in the remarks that had fallen from the hon. member, Mr. Brown, but he contended that the police should report the conduct of ticket of leave men direct to the magistrate, and not to the Comptroller General. A policeman might have some animosity against a ticket of leave man, and by reporting him to the Comptroller General could have his ticket revoked. If he reported the matter to the magistrate he (the magistrate) had power to summon the man before him.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the hon. member for Fremantle was in error in supposing that policemen communicated with the Comptroller General. The usual course was to report to the magistrate.

Mr. LOGUE had not heard anything to induce him to change his opinion. If the Bill passed it would place the power now vested in the Governor in the hands of the magistrates. The mode of proceeding, as suggested by the hon. member for Toodyay, was only to make the convict element more cumbrous.

Mr. DRUMMOND denied that the course he suggested rendered the proceedings more cumbrous. If a ticket of leave man was charged with immoral and disorderly conduct he would be tried, and if found guilty his ticket would be revoked.

Mr. NEWMAN said that if the Comptroller General received his information of a ticket of leave man's conduct through the Superintendent of Police, that officer would receive it from a policeman, and a policeman, actuated by bad feelings, could easily trump up a charge. Hence it was obvious all complaints should come through the magistrate.

Mr. STEERE stated that the Bill, as first brought in, was objectionable, as it took away certain power which ought not to have been touched, and which was not intended by the introducer, and placed it in the hands of subordinates. Magistrates deal with grave cases, and it is never supposed that in so doing they interfere with the power of the Governor; much less would they do so when they are called upon to deal with minor offences—such as charges of immoral and disorderly conduct. By this Bill a ticket of leave man would be heard in his defence, and in a very recent case it was understood that the man was not heard in his defence. He was in favor of the Bill.

Mr. BROWN contended that the Comptroller General had the best means of knowing the character and conduct of ticket of leave men. The hon. member for Toodyay was desirous of conforming to the existing law, and in so doing only make the convict machinery more cumbrous.

Mr. DRUMMOND differed with Mr. Brown that the Comptroller General had the best means of knowing the character of men in the districts. The Comptroller's knowledge did not extend one mile beyond Perth!

Mr. BROWN said that no Governor would revoke a man's ticket, any more than a magistrate, without just cause.

Mr. GULL stated that the Bill had engaged a good deal of the attention of the House. The proposal of the hon. member for Toodyay was straightforward and intelligible. It was to allow every man to be heard in his defence before being punished.

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

Ayes .....	8
Noes .....	7

Majority for	1
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Ayes.	Noes.
Mr. Drummond	The Hon. F. P. Barlee
Mr. Logue	The Hon. M. Fraser
Mr. Moore	Mr. Phillips
Mr. Monger	Mr. Marnion
Mr. Cull	Mr. Brown
Mr. McKail	Mr. Newman
Mr. Shenton	Mr. Bussell (Teller.)
Mr. Steere (Teller.)	

Clauses thus passed.

Mr. DRUMMOND moved an amendment that section 25 of the Ordinance 14 Victoria No. 6 be struck out.

The COLONIAL SECRETARY (Hon. F. P. Barlee) was surprised at the proposal of the hon. member for Toodyay. In introducing the Bill, the hon. member disclaimed any intention of taking any power out of the hands of the Governor, yet at the very last moment he proposes to effectually do so by striking out the section referred to. He must certainly protest against such a proceeding, so that the House should have time to consider the effect of the hon. gentleman's motion. He took little part in the debate, because the additions proposed by the hon. gentleman did not affect the principle of the Bill: it merely said what is law shall be law; but the proposal to strike out the section referred to would have the ill effects which he spoke about so strongly the other day.

Mr. DRUMMOND had no desire whatever to take any power out of the hands of the Governor. He would therefore act upon the advice of the Hon. the Colonial Secretary, and withdraw his motion.

Amendment, by leave, withdrawn.

Bill reported, with amendments.

#### MRS. PETER BROWN: APPLICATION FOR ASSISTANCE.

Mr. SHENTON, in accordance with notice, moved that this Council having had under its consideration a despatch from Her Majesty's Secretary of State, enclosing a letter from the widow of the late Peter Brown, asking for some pecuniary allowance, is of opinion that Mrs. Brown has no claim on this colony for any such assistance, and there are no funds available for that purpose.

The COLONIAL SECRETARY (Hon. F. P. Barlee) seconded the motion.

Question put and passed.

#### MESSANGER FOR THE HOUSE.

Mr. DRUMMOND, in accordance with notice, moved that an humble address be presented to His Excellency the Governor,

asking him to place the sum of £20 upon the Estimates to provide for the services of a Messenger for the Legislative Council.

The motion was seconded.

Question put and passed.

#### SURVEY DEPARTMENT.

Mr. DRUMMOND, in accordance with notice, moved that it be entered on the Minutes of this Council, that the sum of £5,947 which has been entered for the Survey Department shall be considered as binding only on this Council *pro rata* for a period of six months.

Mr. BROWN moved an amendment that the words "until such further date the Council may be called together," be substituted.

The COLONIAL SECRETARY (Hon. F. P. Barlee) was of opinion that there was no occasion for an amendment, as the Council would probably meet again in about six months.

Mr. DRUMMOND said there was no necessity for the amendment, as the Government was in possession of funds which would prevent the machinery of the Survey Department from stopping.

The SURVEYOR GENERAL (Hon. M. Fraser) understood the vote should continue until such time as the Council met again.

Mr. STEERE said the hon. member for Toodyay would not like the Government to have the money in its hands to spend it as it liked. He was in favor of the motion of the hon. member for Toodyay.

The COLONIAL SECRETARY (Hon. F. P. Barlee): There is very little doubt that the Council will meet in June or July.

Mr. BROWN urged the Council to have faith in the Government, and consent to his amendment.

Amendment put and negatived.

Question put and passed.

#### MANAGEMENT OF CONVICTS.

Mr. STEERE, in accordance with notice, moved that this Council is of opinion that the dual system of management of the convicts at present existing acts prejudicially to the interest of the colony, and that it would be advantageous, both to the Imperial and Colonial Governments if some fair and equitable arrangement could be arrived at, whereby the expenditure on convict account, and the control of the convicts, should be handed over to the Colonial authorities. Mr. Steere said that the present dual system of Government with regard to the convicts acted most prejudicially to the interests of the colony, and did not operate

advantageously to the Imperial Government. The hon. gentleman then gave several instances to bear him out in his assertions. He would, however, object to a lump sum being received on account of the convicts, as he would be very much afraid it would be spent quicker than was desirable. He would propose that the Imperial Government—on this colony taking over the convicts—should pay to the colony such sum as it now costs them for the control and management of the convicts. He thought that if an equitable arrangement was proposed it would meet with the concurrence of the Home Government.

Mr. McKAIL considered that in any such arrangement particular care should be seen that the wives and children of such men should become chargeable to the Imperial Government.

Mr. NEWMAN thought that the simplest way would be for the hon. member for Wellington to move an address to His Excellency the Governor on the subject. Perhaps the Hon. the Colonial Secretary could inform them whether the Home Government had expressed any opinion on the subject.

The COLONIAL SECRETARY (Hon. F. P. Barlee) did not at first intend taking any part in the debate. He might however say that the whole question had engaged his attention for some considerable time past, and that certain proposals that he had made on the question were now under the consideration of the Government. He fully concurred in the motion of the hon. member for Wellington, but there were connected with it many matters that called for serious consideration, and the one mentioned by the hon. member for Albany was one of the difficult questions. He would advise that an address be presented to the Governor, embodying the views of the House on the subject.

Mr. STEERE said the hon. member for Fremantle had been answered by the Hon. the Colonial Secretary. He would move that an address be presented to the Governor.

Mr. BROWN supported the views of the hon. member for Wellington.

Mr. SHENTON was in favor of the proposal of the hon. member for Wellington. He considered when the arrangement was being entered into the conduct of the Home Government in not keeping faith with the colony in receiving convicts should not be lost sight of.

Question put and passed.

Mr. STEERE moved that an humble address be presented to His Excellency the

Governor requesting that he will forward the foregoing resolution to Her Majesty's Secretary of State, with a request that he will favorably consider the same.

Question put and passed.

## WILD HORSES AND CATTLE NUISANCE BILL.

Second Reading.

Mr. PHILLIPS moved that the Bill be now read a second time.

The Bill was read a second time.

In Committee.

Clause 2—

An amendment was moved that the words "At the usual annual meeting held for such purpose" be struck out.

Amendment put, "That the words 'at the usual annual meeting held for such purpose' stand part of the Bill," upon which a division was called for, the result being as follows:—

Ayes .....	10
Noes .....	5

Majority for	5
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Ayes.	Noes.
Mr. Steere	Mr. McKail
Mr. Shenton	Mr. Newman
Mr. Monger	Mr. Marmion
Mr. Russell	Mr. Drummond
Mr. Cull	Mr. Phillips (Teller.)
Mr. Moore	
Mr. Brown	
Mr. Logue	
The Hon. M. Fraser	
The Hon. F. P. Barlee	
(Teller.)	

Amendment thus passed.

Progress reported, and leave obtained to sit again.

## LOCAL BOARDS BILL.

Select Committee Report.

Mr. STEERE moved the adoption of the report. He said the committee had done their best to render the report a workable measure, though since it had been framed he had heard several suggestions or improvements made.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it was an invidious task to find fault with the labors of seven men who had done their work well, in order to produce a useful measure, yet he could not give a report his consent in which he saw objections; and he would not be doing his duty were he not to point them out. The hon. gentleman complained that the committee, in apportioning the money throughout the colony, forgot to set a certain sum apart for a stone crusher, which was coming out. The hon. gentleman then proceeded to point out

many objectionable suggestions in the report, especially the right of placing gates across main lines and minor lines of road; the fine for not erecting gates, and the fine for leaving gates open; the mode of election, &c. He urged the committee to take his objections into consideration.

Mr. STEERE did not consider the committee infallible, and he never supposed that they could introduce a perfect measure; he could only say that every care had been bestowed on a difficult subject, and they (the committee) did their utmost to introduce a workable measure.

Mr. BROWN replied at considerable length to the objection of the Hon. the Colonial Secretary, and supported the report that had been brought up by the committee.

Sitting suspended until 8 p.m.

Resumed debate.

The SURVEYOR GENERAL (Hon. M. Fraser) supported the views of the Colonial Secretary.

Mr. DRUMMOND objected to any member of a road board committee having a contract.

Mr. NEWMAN concurred in the views expressed by Mr. Drummond.

Mr. SHENTON said that if members of the committee were not allowed to take contracts, the best men would be prevented from tendering.

The SPEAKER drew the attention of members to the fact that they were not in Committee of the whole House, and members who had spoken once must be satisfied.

Mr. PHILLIPS was in favor of members of the committee being allowed to take contracts.

Mr. MARMION considered the difficulty might be got over respecting contracts taken by members of the committee without their resigning; thus, when a member of the committee tendered for any work, he should not be present when his tender was being considered, nor should he take any part in approving work that had been done in pursuance of his tender.

Mr. LOGUE said that such a plan as that suggested by Mr. Marmion was adopted in his district, and it was found to work well.

Mr. MONGER asked how would the business of the committee be carried supposing all the members of the committee attended.

Question put and passed.

#### PUBLIC LOAN BILL.

Mr. STEERE said he had promised to introduce that evening a Bill relative to

public works, but as all the legal gentlemen were engaged in the Supreme Court, he could not get it drafted. He would bring it forward at the earliest possible opportunity.

#### ESTIMATES.

##### In Committee.

Resumed debate.

Item: *Medical Establishment*, £2,105 3s. 4d.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that he did not intend going over the old battle-ground of the forage, as he saw hon. members had laid it down as a principle that £50 should be the amount for forage. He considered they were exceedingly wrong, and he totally and entirely objected to it, and only on the understanding that that principle had been adopted he altered the amount of forage to the Colonial Surgeon to £50, instead of £66 18s. 4d.

Mr. NEWMAN enquired who was the Health Officer.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that it was Dr. Dickey.

Mr. NEWMAN asked what his duties were.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that they were defined by the Acts of Council.

Mr. NEWMAN said that in these Estimates the great fault he had to find was that they were not explicit enough. A stranger taking them up would see two items, but would not learn that one person drew both. It should be clearly stated in every case. In the present instance the Assistant Colonial Surgeon receives £200, and the Health Officer £75, but both offices were filled by one man. He was almost inclined to propose that the item £75 be struck out.

The COLONIAL SECRETARY (Hon. F. P. Barlee) concurred in principle with what had fallen from the hon. member from Fremantle, but in this colony it could not be adopted. The magistrates in the colony held two offices—one was Custom House Officer and the other judicial—and until the colony could afford to pay two men, things would have to remain as they are. He considered it most desirable to encourage medical men, but the colony did not offer any inducement to them. He did not consider £275 any large sum for the amount of work done by Dr. Dickey. In fact, there was often a great saving to the colony by amalgamating the departments, and this was the case in the medical, in Fremantle. The Fremantle Lunatic Asylum secured the services of two medical men for £37 10s. per annum.

Mr. NEWMAN made a similar objection to the items for the Surgeon and Health Officer at Albany.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that one reason why it was not done was that the surgeons in Bunbury, Vasse, &c., who now did the duties, would consider they were entitled to a similar amount of pay for performing them.

Mr. NEWMAN stated that was the very reason that he moved that it should be shewn what a man was receiving, and the duties he was discharging.

Mr. STEERE enquired who was the surgeon in the Northam District.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said there was none. They could not get one for the money.

Item, as amended, agreed to.

Item: Police, £12,732.

Item: Gaols, £180.

Item: Rottnest Penal Establishment, £832 10s.

Items agreed to.

Item: Government Printer, £852.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that he found that the amount on the Estimates for this department was too low. He considered that this would become one of the most efficient departments under the Government. Considering the great increase in printing, caused by the proceedings of the Council, it was found necessary to increase the quantity of type, and he would add on that account £120 to the Estimates. Some of the type now in use had been worked for 14 or 15 years. The amount for this department would then be £973, instead of £852. That is all that would be required at present, but in the course of some time an increase in salaries would be expected.

Item, as amended, agreed to.

Item: Poor House, £337.

Item agreed to.

Item: Inspectors of Sheep, £1,301 10s.

After some discussion it was resolved that the item be reduced by £101 10s.

Item, as amended, agreed to.

Item: Education, £5,097 18s. 4d.

Secretary Board of Education, £300.

Horse Allowance to Inspector, £66 18s. 4d.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that this last item was one which he presumed would give rise to discussion; at present he intended to add nothing in moving the sum of £5,097 18s. 4d. for education further than that the salary of the Secretary of the Board of Education would be fixed at £200 instead of £300, and

the horse allowance for the Inspector of Schools be reduced from £66 18s. 4d. to £50. He would be prepared to offer any explanations that may be required, and to answer any objections that might be raised. After some conversation, it was agreed to first take the item.

These suggestions were agreed to and the amounts reduced accordingly.

*Grant to Roman Catholic Schools in Perth and Fremantle, £500.*

Mr. NEWMAN objected to the proposed grant entirely. He did not ask who it was for. It was given, he would say, to A, B, and C. He would only call the attention of the House to the speech of the Hon. the Colonial Secretary some weeks since, in the course of which he pointed out the state of public feeling on this matter, and referred to an observation of a friend of his, who said he could not see what all the discussion was about, and that all the religion he thought necessary was to "love the Lord thy God with thy whole heart, thy whole soul, and thy whole mind, and thy neighbor as thyself," and in those sentiments the Hon. the Colonial Secretary expressed his entire concurrence. He was, therefore, astonished at the hon. gentleman's proceedings, and certainly could not in any way reconcile his conduct in coming to the House after that declaration and asserting that the grant now before them was advisable, and that A, B, and C should receive the sum of £500! Neither could he reconcile that proposal with the conduct and tone of the hon. gentleman, when the hon. member for Perth presented a petition from the same body to the late Legislative Council. He thought he (the Colonial Secretary) would have done and acted differently, and would not have proposed the scheme then before them. The Hon. the Colonial Secretary was evidently trying to please everybody. The Hon. the Colonial Secretary had framed the Estimates to please everybody. The Colonial Secretary was not the first gentleman who tried to please everybody, and, as a consequence, the result was disappointment. The proposal now before the House was to establish denominational education, call it by what name you like. Denominational education, he might say, was against the feelings of the whole world. He would like to see the colony take a step forwards, not one backwards. But the denominational grant was beginning at the wrong end by commencing at the small end, and going upwards. However, this agitation, this dissatisfaction, come from what quarter it may—from Christians, Jews, or Gentiles—has one common origin. It is a desire to gain power, position, and influence, on the one hand, and money on the other. Those who get up, and keep up the agitation,

when they assert they cannot do a certain thing, mean they will not do it. That is their position, and it is not the manners of Englishmen, at all events. It is not a question of what doctrine shall be taught, but it is one made up of money. Only grant a certain sum, say £1,000 or £100, thereby that gives them power, and prestige, and influence to get more. The whole question is made up of money, and the cloven foot is visible, come from what quarter it may. It has been said "don't let us have this agitation, this discussion of religious matters;" that simply meant—"stand and deliver!" It is a solecism—only grant a certain amount and it will be the opportunity of demanding more. The mere force of numbers ought not have any influence in this matter; numbers have gone into the field of battle, and numbers have won victories, but it cannot be contended that those were right or just battles. The force of numbers on many occasions ought not to win. It was so here. The Hon. the Colonial Secretary had calculated the grant as four is to six, so is a certain amount to some other amount. That, he denied, was not the principle that should guide them in distributing grants of public money. He would oppose the grant, come from whatever denomination it might. He was, it was true, a member of the Church of England, and he was so because he considered it was the most liberal church, but he would secede from it to-morrow if he found in it doctrine of sectarianism. He was, however a lukewarm partizan of any denomination, and he considered all that was required to learn was to "love God, and your neighbor as yourself," and as to teaching specific doctrines to children whose minds were like so many blank sheets of paper, he had solid objections to anything of the kind. When denominations ask for money for the purpose, they ask for power and influence. It was the *aegis* of the religious difficulty. It was so from the day of Peter the Hermit until our own day. He would object to any grant of this description.

Mr. McKAIL said that the Hon. the Attorney General had, on a former occasion, thrown out some hints on this question, which he would avail himself of. He was in favor of secular education, but if some of our fellow-colonists objected to the present system and required a separate grant to support them, they ought to guarantee no Protestant child was taught in them. Denominational education tended to foster the bitter jealousies of the old country. He maintained that every man's religion was between himself and his God. he thought the only fair system of education, would be a national system. He would not support the present grant, because it was for a denominational school.

Mr. BUSSELL was not in favor of the grant. The children of the Roman Catholics could receive a plain, simple education in the Government schools as well as the children of other denominations. The Scripture lessons had been framed specially to suit the objection of the Roman Catholics. It had been said that no demand would be made after this Governor's reign. That was a sop. If they once got what they demanded they would be as greedy as ever. In the Colonial schools in Bunbury and Guildford the Catholic children had taken the first prizes. This was almost an Irish question, and the Irish were dogmatical and uncompromising. He could form an opinion of the present state of feeling in Europe, when the young Duke of Genoa had been sent to Oxford to learn the Latin and Greek, and reform his manners—in that school of manners. The Bible was taught in the school, but it was not brought into the school bound in calf, but in the Scripture lesson form. He thought some prayer might be agreed upon before beginning school and on closing it. He would suggest the Lord's Prayer, and some portion of St. Paul, which is used in their church. They were prayers to which even a Mussulman would not object. Holding these sentiments he could not favor the present scheme.

Mr. NEWMAN omitted to give one strong reason against the Hon. the Colonial Secretary's scheme. It was this, that he would defy the Hon. gentleman to shew that any public body, when once they got what they asked for, were ever satisfied, and he would give the hon. gentleman a long range; from giving a "lollypop" throughout all history, and he (the Colonial Secretary) would fail to adduce a single instance.

The ATTORNEY GENERAL (Hon. R. J. Walcott) was of opinion that secular education was all that was required for the colony. But as grants were given to the various denominations, to the Church of England, Wesleyans,—

Members protested strongly in the negative.

The ATTORNEY GENERAL (Hon. R. J. Walcott) said well, he was in error, but still he maintained a system of secular education was the best. The hon. gentleman then referred to the divisions in the Christian world as a scandal. He contended that all these differences were brought about by nice points of doctrines. He referred to the separation between the western and eastern churches as an example. The Nicene creed, and the doctrine of the *Filioque*, caused that separation. It was a point to which the human intellect could not reach. It was not in the Apostles' creed, nor could any one understand the procession of the Father and Son from the Holy Ghost. It was a subject

beyond the human grasp. Yet it was adopted by the western church, by the Pope of Rome, and caused the separation between the western and the eastern churches. All such doctrines owed their origin in the sublimity of the human mind. How could such doctrines be inculcated in schools? Again, take the Sacrament. How could they tell the transmutation took place; it was beyond the human mind to understand, yet they took the Sacrament as a commemoration of the last Supper. He might be thought speaking against the tenets of the church to which he belonged, yet he must say these nice points of doctrine were the stumbling block in the way of religion. The hon. gentleman then referred to the Philosophers and the Athenians of whom St. Paul spoke; and declared his belief in a secular system of education, but as they endowed one sect in this colony, endow another. The Church of England was endowed.

Members strongly protested in the negative.

The ATTORNEY GENERAL (Hon. R. J. Walcott) asked what are the schools, then?

Members replied that they were undenominational.

The ATTORNEY GENERAL (Hon. R. J. Walcott) said there were some doctrine taught and asked what it was.

Mr. SHENTON said it was history.

Mr. BUSSELL said it was such cautions of the Bible as were agreed to.

The SURVEYOR GENERAL (Hon. M. Fraser) considered it would be an act of injustice to agree to any such item as was now before the Council.

Mr. STEERE looked upon the proposal as nothing more nor less than denominational education, and he was much surprised the Government had brought forward a proposal to give £500 for that purpose. He would like to see the matter settled then, rather than leave it as a bone of contention, and had a different plan been brought forward, he was confident members would have given it their support. He believed the Roman Catholics had ground of complaint, and they gave the best possible proof of their sincerity in their refusing to send their children to the Government schools, and in putting their hands in their pockets and supporting their own schools. When he first came to the Council he mentioned a scheme of education he would support. It was: Say where 30 children could be assembled, that school should be entitled to Government support;—that the school should be under the control of the local boards;—that there should be a time-table conscience clause;—that the books should be approved by the General Board of Education;—that such schools should not be held in churches

or chapels;—that the salary of the teacher should be paid thus:—one-third by the board, one-third by results, and one-third from attendance. If this plan were adopted, it would prove a great saving to the colony. He would vote against the present grant, because it was purely denominational education.

The COLONIAL SECRETARY (Hon. F. P. Barlee) came quite prepared to hear considerable discussion on the proposed grant of £500 for the support of the Roman Catholic schools in Perth and Fremantle, and he was also quite prepared to hear that his conduct in the matter would be considered inconsistent, but he did not think his conduct, or that of the Government, was inconsistent in any way. He still was of opinion that the Roman Catholics generally had no more ground of complaint than any other denomination. That was an opinion to which he still adhered, yet he would allow that the Roman Catholics had a certain ground of complaint as regards their Perth and Fremantle schools, and he thought something might be done. It was the duty of the Government to follow public opinion, and it was clear that no change in the present system was desired, yet it was conceived and admitted that something was due to the Roman Catholics. The hon. gentleman then reviewed at considerable length the arguments of the hon. member for Fremantle, and also the observations of the hon. member for Wellington. The hon. gentleman did not concur in the plan of the hon. member for Wellington, and was of opinion that the present system of education was best suited to the peculiar circumstances of the colony; and he fully believed, viewing the various opinions of the House, that any other scheme of education would not meet with the concurrence of the House. The hon. gentleman repudiated the charge of inconsistency, and defended the present grant on the grounds of peace and good order, justice and economy.

Mr. DRUMMOND concurred with the motion of the Hon. the Colonial Secretary. He would be in favor of a scheme as suggested by the hon. member for Wellington, but still he considered the present a just grant. In Perth and Fremantle there were some 700 children being educated, and if they were sent over to the Government they would cost the colony much more than the £500 it was now proposed to allow. He would support the grant as a temporary measure as long as His Excellency the Governor was in the colony. He would therefore support the measure now before the House.



Mr. McKAIL asked how many Protestant children were attending these schools.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the number of children was 673, of whom 75 were Protestants.

Mr. MARMION, in rising to support the motion of the Hon. the Colonial Secretary that the sum of £500 be placed on the Estimates for the purpose of enabling the Roman Catholics of the towns of Perth and Fremantle to educate the children in the manner they deemed most essential, felt that he had an arduous task to discharge, and if the honorable members who belong to the Church of England, and had spoken against the grant, feared that their remarks might be looked upon as bigoted and sectarian, how much more reason had he to fear that his observations might be viewed in a similar light? Standing there alone, as he did, the only member of that communion for which the grant was sought, and though he had little hope it would pass the House, yet his voice in its support might perhaps be heard longer and stronger,—perhaps when the opposition of the hon. members shall have been forgotten. The hon. member for Fremantle, he was sorry to say, had that evening shewn his sectarianism, and felt himself called upon to cast a slur upon a portion of his fellow-colonists—

Mr. NEWMAN: No! No!

Mr. MARMION—during the remarks he made that evening. In the first place the hon. gentleman spoke of them as A, B, and C.

Mr. NEWMAN begged the pardon and said he must rise to explain he used the term A, B, and C to prevent the chance of any such imputation.

Mr. MARMION was fully prepared to answer the hon. gentleman, and he must consider that as he sat patiently and heard what he (Mr. Newman) had to say, he must request that though he felt pained, he would quietly listen to what he had to say. The hon. gentleman (Mr. Newman) accused the Hon. the Colonial Secretary with inconsistency, because he on one occasion opposed the petition of the Roman Catholics for Government aid, and now supports the measure before the House. But the honorable gentleman must remember that in larger assemblies, statesmen who have directed the destinies of greater nations and more important communities than those of Western Australia, have on many occasion seen reason to change their opinion; hence that objection would not hold good for one moment. The hon. gentleman (Mr. Newman) said that the only object the sects had in view was to gain money, but he would prove,

as regards the Roman Catholics, such was not the case, and the best proof of their earnestness and sincerity was to be found in the fact that for the past 15 years they have maintained schools at their own expense. The hon. member for Fremantle said that all he considered necessary to be taught was "to love God with your whole heart, and your neighbor as yourself." That was doctrine which all Christians were desirous of inculcating, but each had its own way of doing so. They all had different views as to how that should be taught, and because the Roman Catholics could not agree with the State system of inculcating those principles, they were yearly saddled with a heavy expenditure in the maintenance of their own schools, and the measure before the House to-night was in some slight degree to relieve them of that burden. He recollected, however, that the hon. member for Fremantle had said—"I am not a warm partizan of any religious denomination"; therefore he should not be surprised that the hon. gentleman was opposed to all religious teaching. The hon. member for Albany said other denominations would have the same claim. He asked would they have the same claim? He answered no! their numbers are not sufficient. The amount that would or could be set apart for them would be useless in maintaining a school in any part of the colony, much less to support schools throughout the whole colony. The hon. member for Fremantle had said that numbers were not of importance in this matter, but he differed with the hon. gentleman;—numbers had much to do with it, and it was to numbers he (Mr. Newman) owed his presence in the House that night. (Hear, hear, from Mr. Newman.) He was not vain enough to suppose that his position would have been altered, but he could inform the House that when he offered himself as a representative of the people, he ascertained from a number of those who had promised their support to the hon. gentleman, that did they understand the matter of education correctly, and did they believe that the Roman Catholic claim could have been met without injury to the present system, they would only have voted for those who would support a plan similar to that now before the House. The hon. member for the Vasse said that the version of the Bible had been altered to meet the Catholic views.

Mr. BUSSELL: No; the same Bible is used.

Mr. MARMION: Oh! It is the same Bible; I understood you to say the version was altered to suit the Catholics.

Mr. BUSSELL: No! No!

Mr. MARMION: The hon. member for Albany referred to the examination of persons receiving academical instruction.

Mr. McKAIL: I never mentioned it.

Mr. BUSSELL: I referred to the schools in this colony—Vasse and Guildford—not to the mother country.

Mr. MARMION could not agree with many of the remarks that had fallen from the Hon. the Attorney General. The schools here were not State schools, and though they were maintained by funds drawn from the public purse, he yet contended they were not State schools, but Protestant schools. There were two bodies here recognized as Protestants—Church of England, Wesleyans, Independents, and other dissenters—and Roman Catholics. Were the schools Roman Catholic? Certainly not. It followed as a logical sequence they were Protestant.

Mr. BUSSELL: Your logic is bad.

Mr. MARMION continued: The whole community were taxed to maintain these schools, and many parents who could well afford to pay for the education of their children, avail themselves of them. For such persons these schools were never intended. They were established for the purpose of educating the poor man's child, who otherwise would be without instruction. For a large number of children who attend the school, their parents could well afford to pay for their instruction. He was astonished at what had fallen from the hon. member for Wellington respecting Mr. Forster's Bill, which was purely denominational. The Roman Catholics would be glad indeed to see Forster's Bill introduced here, and if it were, they would ignore the grant. As it was, the grant was given to prevent agitation, and though it had been said the Roman Catholics would not be satisfied, yet he would say they would be satisfied, and he did not think there would be a shadow of a chance of its being increased during the next seven or eight years. He could hardly agree with the Hon. the Colonial Secretary that the Roman Catholics had no greater ground of complaint than any other denomination. The Government schools were very well as far as they went, but they did not go far enough. With regard to the remark of the Hon. the Attorney General, that religion could best be taught a child at its mother's knee, he would not doubt it, and the world would be happy indeed did it possess such mothers. He considered religion should be the basis of education, as it was by religion they would become a credit to the colony, and be brought up as they should be from youth to a ripe state of manhood. The salaries of

teachers, purchase of books, school requisites, and buildings, which the Roman Catholics had now to pay for, was a strong argument why the grant should be given. But were he to speak until his voice would re-echo from the walls, it would produce no good. He defended the grant, however, because it was pure and simple justice, and because it would in some measure relieve the Roman Catholics from a heavy yoke they had now to bear.

Mr. NEWMAN said one strong reason was given why they should give the grant, and that was that it would stop agitation, but he did not believe it would. Only satisfy Charybdis and you would strike a Scylla. As to Mr. Forster's Bill he heard it was a complete failure.

Mr. STEERE was much surprised with the hon. Mr. Newman's remarks about Forster's Bill. Now, everything he read about it, showed that it was an admirable measure, and tended in a directly opposite way to that indicated by Mr. Newman. If Forster's Bill was purely denominational, he would like to know why the Roman Catholics in England protested against it.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it was quite clear from what had fallen from hon. members, that the course pursued by the Government in not bringing in a Bill was the correct one. No Bill on education in the present state of feeling would have been passed by the House. The feeling of the colony was in favor of the present system, and that something was due to the Roman Catholics.

Mr. McKAIL again expressed himself in favor of secular education.

Mr. SHENTON was in favor of the plan suggested by Mr. Steere, and would support such a measure if brought forward.

Mr. BROWN delayed giving his opinion on the question before the House until he had heard from hon. members their views on the question. He looked upon the matter of education as an important and sacred one, and he was there to support that system of education which he deemed the best, and he thought, from what he had heard, that the proposal of the Government to grant the Roman Catholic body the sum of £500 would be the best method of settling the difficulty. He would say that he did not come forward to support any measure that he did not think deserving the consideration of the House, nor did he come forward at any time to support any measure that had been introduced by the Government. He thought it was due to himself, to the colony, and to His Excellency the Governor, who placed him there, to make

that statement. The Governor did not know his opinions, nor did the Government, and he was there to give his vote on any question fairly and conscientiously. He was in favor of denominational education, and he would have supported such a scheme as that suggested by the hon. member for Wellington, had he brought it forward. He considered that such a system of education would be the best and fairest to all taxpayers. The Roman Catholics had to support their own schools for the last 15 years, in addition to paying their share towards the Government schools, which he considered very unfair. The hon. gentleman then at considerable length pointed out how such a system could be made to work in the colony, and concluded by declaring his intention to vote for the grant to the Roman Catholic body.

Mr. NEWMAN moved that the grant be struck out.

Question put, "That the sum proposed to be struck out, stand part of the amount," upon which a division was called for, the result being as follows:—

Ayes .....	6
Noes .....	11

Majority against	5
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Ayes.	Noes.
The Hon. F. P. Barlee	The Hon. M. Fraser
The Hon. R. J. Walcott	Mr. Phillips
Mr. Drummond	The Speaker
Mr. Marmion	Mr. Newman
Mr. Logue	Mr. Moore
Mr. Brown (Teller.)	Mr. Monger
	Mr. Gull
	Mr. Bussell
	Mr. McKail
	Mr. Shenton
	Mr. Steere (Teller.)

Question thus negatived.

The amount of £500 was struck out.

Mr. SHENTON moved that the sum of £150, salary of first teacher, Boys' School, be struck out, as it was not necessary under the new arrangement.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he would vote that the sum stand. Another master was coming from England. The Inspector of Schools would have a considerable amount of work to perform, and as soon as the master arrived, he would be relieved of that duty.

Mr. NEWMAN stated that he would vote in favor of the Hon. the Colonial Secretary.

Mr. SHENTON withdrew his motion.

Mr. BROWN considered the salary of the Inspector of Schools excessive.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the hon. gentleman did not know what the duties of the inspector were. He would explain them.

The item, reduced to £4,481, agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that as they had now completed the whole of the establishments, and though it was late, he would make a few remarks thereon, more particularly to shew that the impression abroad that the increase in expenditure during the past 10 years was in establishments alone, and that the Government were only intent upon giving salaries to their friends, was incorrect. Now, in 1861 the amount for establishments was £36,335; in 1871, £48,447 4s. 2d.; or an increase of 40 per cent. The amount expended exclusive of establishments, in 1861, £23,512; in 1871, £53,012; or an increase of 130 per cent. The total increase in establishments from 1861 to 1871, was £16,700, and this sum was not for increasing the salaries of Government officers, but for services which the increased prosperity of the colony demanded. These are the items which caused the increase: Government Geologist, £1,000; Post Office, £1,300; Harbor Master's Department, £1,000; Medical Establishment, £600; Printing Establishment, £1,000; Scab Inspector, £1,300; Education, £3,000; Legislative Council, £250;—total £9,450. It would therefore be seen that of the increased sum for establishments, £9,450, was for new services, and two departments alone, during 1861 and 1871, for new expenses, increased £8,000, viz., the Police and Survey Departments. These expenses were necessary, consequent, as he had said, upon the increased prosperity of the colony; it would be seen further that while the establishments increased only £17,000, the expenditure exclusive of establishments had nearly increased to £60,000.

The Council adjourned at 11 p.m.

## LEGISLATIVE COUNCIL,

Thursday, 5th January, 1871.

Messenger for the House and Thompson's Road Steamer—Mason, Bird, and Company—Representation of the People Bill: select committee report—Steamers on the Coast—Police Ordinance, 1861, 35th Section Repeal Bill: second reading: in committee—Wild Horses and Cattle Nuisance Bill: in committee—Estimates: in committee.

The SPEAKER took the Chair at 4 p.m.  
PRAYERS.

## MESSINGER FOR THE HOUSE AND THOMPSON'S ROAD STEAMER

The SPEAKER enquired of the Hon. the Colonial Secretary if the sums of £20 for the