

to the place, and likely to improve navigation and conserve the fore-shore, your Committee agreed to its construction.

Some of the members of your Committee were desirous of discussing the merits of other schemes, but these being outside the intention of the instructions given to your Committee, this was overruled, as it was understood to be competent in any member to bring such before the notice of the Council independently.

MALCOLM FRASER,  
Chairman.

The report was received.

#### APPROPRIATION BILL.

Second Reading and Committee.

The ATTORNEY GENERAL (Hon. R. J. Walcott), for the Colonial Secretary, moved that the Bill be now read a second time.

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

#### 23rd VICTORIA, No. 11, REPEAL BILL.

Second Reading and Committee.

The ATTORNEY GENERAL (Hon. R. J. Walcott) moved that the Bill be now read a second time.

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

#### LAND REGULATIONS.

Select Committee Report: In Committee.

Resumed debate.

After some further discussion on the Land Regulations, they were adopted, as amended.

The Council adjourned at 8 p.m.

#### LEGISLATIVE COUNCIL,

*Tuesday, 15th August, 1871.*

Registration of Brands Bill: first reading—23rd Victoria, No. 11, Repeal Bill: third reading—Adjournment.

The SPEAKER took the Chair at 12 noon.  
PRAYERS.

The Minutes were read and confirmed.

#### REGISTRATION OF BRANDS BILL.

First Reading.

Mr. BROWN, in accordance with notice, moved for leave to introduce a Bill to provide for the registration of brands for sheep.

The Bill was read a first time.

#### 23rd. VICTORIA, No. 11, REPEAL BILL.

Third Reading.

The ATTORNEY GENERAL (Hon. R. J. Walcott) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

#### ADJOURNMENT.

The SURVEYOR GENERAL (Hon. M. Fraser) moved that in respect to the memory of Major Crampton, an officer who held the position of Commandant of the Troops in this colony, and was also a member of the Executive Council, the House do now adjourn till tomorrow, at six o'clock.

Question put and passed.

The Council adjourned at 12.30 p.m.

#### LEGISLATIVE COUNCIL,

*Wednesday, 16th August, 1871.*

Official Information—Scab-in-Sheep Amendment Bill: leave to introduce: Speaker's ruling—Public Works: select committee report: in committee—Appropriation Bill: third reading—Registration of Brands Bill: second reading: in committee: Standing Orders suspension: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

The Minutes were read and confirmed.

#### OFFICIAL INFORMATION.

Mr. STEERE, in accordance with notice, asked the Colonial Secretary whether the Government officials had received instructions that they were not to give information to members of the Legislative Council without the permission of the Colonial Secretary. The reason that he asked the question was that, some months ago, being informed by

the captain of a vessel that a magistrate had refused to commit a number of the vessel's crew into prison, unless the master entered into a recognizance to maintain them during the term of their incarceration, and being requested by the captain to inquire whether such a course was authorized, he communicated with the Collector of Customs at Fremantle, and received a telegram in reply stating that he could not answer the question without the consent of the Colonial Secretary.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that, as a rule, Government officials were not authorized to grant information out of their offices to any person whatever, but on all legitimate matters every information would be afforded by the Government to the hon. members of that House, upon application to the heads of departments, who were the proper persons to whom to apply for information. If heads of departments declined, members should apply to head quarters. But though the Governor was desirous, in all legitimate matters, to give to members of the Legislative Council every reasonable information, there were instances in which, for obvious reasons, it was not desirable that information should be granted.

Mr. STEERE asked the Attorney General whether there existed a Statute compelling masters of vessels to enter into a recognizance for the maintenance of any of their crews during their imprisonment in the Colonial gaol.

The ATTORNEY GENERAL (Hon. R. J. Walcott) replied that he was not aware of the existence of a Statute to that effect, but that he considered it a very proper provision. Probably the magistrates in this, as in some other matters, were guided by some general rule and custom.

The COLONIAL SECRETARY (Hon. F. P. Barlee) notified that further enquiries would be instituted, but he might state that the Government of this colony was not in a position to admit seamen into prison unless the captain undertook to be responsible for their maintenance during the period of their imprisonment, otherwise an unreasonable and heavy burden would be thrown on the taxpayers of the colony.

#### SCAB-IN-SHEEP AMENDMENT BILL.

Leave to Introduce.

Mr. DRUMMOND, in accordance with notice, moved for leave to introduce a Bill to amend the Scab-in-Sheep Ordinance, 1866, and the Scab-in-Sheep Ordinance Amendment Act, 1871.

The SPEAKER called the attention of the hon. member to pages 288 and 383, in May, from which it would be perceived that it is not in accordance with parliamentary usage that a Bill analogous in substance to a measure rejected by the House should be introduced during the same session. He would, however, ask the voice of the Council in the matter.

The ATTORNEY GENERAL (Hon. R. J. Walcott) contended this was not a question for the decision of the House; the ruling in the matter laid with the Hon. the Speaker alone. He would, however, submit that the Bill sought to be introduced by the hon. member for Toodyay was not in substance analogous to the measure of the hon. member for Geraldton. The object of the present Bill was to amend an existing Statute, which it was competent for any hon. member to propose as often as he chose.

The COLONIAL SECRETARY (Hon. F. P. Barlee) concurred with his hon. and learned colleague that the question at issue was one purely for the decision of the Speaker, whose opinion must rule the House.

#### Speaker's Ruling.

The SPEAKER thereupon ruled that the Bill proposed to be introduced was substantially analogous to the measure already rejected by the House. Leave could not therefore be given for its introduction during the present session.

#### PUBLIC WORKS.

Select Committee Report: In Committee.

The SURVEYOR GENERAL (Hon. M. Fraser) said that the committee of which he was chairman, had carefully considered the various propositions embodied in the memorandum of the Colonial Secretary; but as there were some portions of the report which would render it apparent that in endorsing it he had been inconsistent with his expressed views in the House on the same questions, he would seek the indulgence of the Council while, for a few moments, he would ask their consideration to a brief explanatory observation. The particular paragraph which could not have his concurrence, except in a modified form, was that which related to a railway to, and jetty at, Jervoise Bay. He entirely concurred that Cockburn Sound possessed all the attributes of a safe and commodious harbor, well sheltered from all the winds of heaven, and that from King George's Sound to Champion Bay there was no harbor of any magnitude affording the same natural advantages as that of Cockburn Sound. But the question remained to be proved what part of the harbor

was best adapted for the accommodation required. The evidence adduced before the select committee was conflicting, and looking at its proximity to Fremantle, nothing that had occurred lately had tended to shake his confidence in Jervoise Bay. With regard to Gage's Roads, it seemed to bear a mark similar to Cain's brand, indelible, and to be shunned by all—sailors. Any person who had visited Jervoise Bay in ordinary weather, and said that there was a heavy sea running there, must have been "half-seas over" himself. It was a mere storm in a tea-cup.

Mr. NEWMAN sincerely believed that the Hon. the Surveyor General was capable of doing a great deal of good and useful service for the welfare of the colony and to the credit of himself, but if he took up such crotchets as that of Jervoise Bay, the hon. gentleman would be a curse rather than a blessing to the colony. (Hear, hear, and laughter from the Surveyor General.) Referring to an article that had recently appeared in that organ which had been designated as the "fairest exponent of the views of the Government," though quite admitting that a newspaper might affirm that he was, politically, blind, that he did not know what was best for the colony at large, he contended that it was not fair nor advisable for a newspaper or for members of that House to accuse him of being actuated by mere selfish and interested motives alone. He could sincerely affirm that he was as free from selfish motives and personal interest as any hon. member present, and would dispose of his vested interest in Fremantle for £100. His interests were cosmopolitan—from Tien Tsin to King George's Sound. Having protested against the removal of the harbor from its present site at Fremantle, the hon. gentlemen generally supported the other projected works embodied in the report.

Mr. STEERE, though formerly favorably disposed towards the Jervoise Bay scheme, had, after hearing the evidence submitted to the select committee, and visiting the proposed site, changed his views on the question, and he now thought that the House would not be justified in spending any money upon that project.

After some further observations from other hon. members,

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out that they were going over the same ground over and over again, and as there was no specific motion before the House, he would suggest that the report of the select committee be taken paragraph by paragraph, with the view of affirming, modifying, or rejecting them.

Question put and passed.

Paragraph 1 agreed to.

Paragraph 2: That in regard to the subsidizing a steamer to run between Albany and Champion Bay, monthly, the Government should be authorized to do so for one year, at a sum not to exceed Two thousand pounds; but should there be difficulty in successfully working that portion of the service which is between Geographe Bay and Albany, this sum is to be reduced to Fifteen hundred pounds—

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that if, as some hon. members proposed, the sum to be devoted for this purpose was to come out of current revenue, and not out of a loan, there would be an end to the question at once, for the present. Hon. members were quite aware that there was no surplus revenue available for any proposed undertaking; in fact, the direct expenditure exceeded the probable revenue. Under these circumstances, he would move that the subsidy be paid out of a loan.

Question put and passed.

On paragraph 3, which relates to the question of a railway to, and a jetty at, Jervoise Bay, and recommends Mangles Bay as the more preferable site for a harbor,

Mr. NEWMAN moved that the paragraph be struck out, and the following inserted:—

That any money spent for harbor improvements at Fremantle should be for a jetty similar to the plan laid on the Table of the House last session; and that the Government be authorized to erect the same at a cost not exceeding £30,000.

The SURVEYOR GENERAL (Hon. M. Fraser), as an amendment, moved that the original paragraph be expunged, and the following inserted in lieu thereof:—

That the Government be authorized to construct a railway from Fremantle to Mangles Bay at a cost not exceeding £15,000.

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

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

Majority against	1
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Ayes.	Noes.
The Hon. F. P. Barlee	Mr. Brown
The Hon. R. J. Walcott	Mr. Marmion
Mr. Phillips	Mr. Hassell
Mr. Drummond	Mr. Moore
Mr. Steere	Mr. Gull
Mr. Monger	Mr. Lague
Mr. Russell	Mr. Shenton
The Hon. M. Fraser	The Speaker
(Teller.)	Mr. Newman (Teller.)

Amendment thus negatived.

Mr. Newman's new paragraph was then agreed to.

Paragraphs 4 to 6 agreed to.

Paragraph 7: The majority of your committee was of opinion that Marine Surveys of the Coast should be paid for out of current revenue, rather than out of a loan—

The COLONIAL SECRETARY (Hon. F. P. Barlee), taking into consideration the depressed financial state of the colony, and the probability that if the expenses of coast surveys were to come out of the current revenue, two or three years must elapse before the work could be undertaken, moved that the words from "paid" to "loan" be struck out, and the words "carried out" inserted in lieu.

Mr. SHENTON and Mr. DRUMMOND supported the motion.

Amendment agreed to.

Paragraph, as amended, agreed to.

The remaining paragraphs were agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that he estimated that the whole of the works projected would amount to about £48,000.

The SPEAKER suggested that the sum be increased to £60,000, and that the surplus £12,000 be devoted to the purchase of the shares and plant of the Electro-Magnetic Telegraph Company, upon which the Government was now paying interest at the rate of 6 per cent.

The COLONIAL SECRETARY (Hon. F. P. Barlee) saw no objection to the suggestion, and would consult His Excellency relative to it prior to introducing the Bill.

The SPEAKER observed that he had no desire to press the matter. He had merely thrown out a suggestion, which he thought might be adopted with advantage.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that the House having decided upon the public works desirable to be undertaken, it then became their duty to point out where the money to carry on those works was to come from. Without this the decision would be nugatory. Tomorrow he would be prepared to say what steps the Government would take, and probably to submit a scheme for the consideration and affirmation of the House to the effect that the Government be authorized to create a loan by the issue of debentures, to be tendered for at an interest not exceeding 6 per cent.

After a few further remarks from Mr. NEWMAN and the SPEAKER, this was agreed to.

## APPROPRIATION BILL.

### Third Reading.

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

The Bill was read a third time and passed.

## REGISTRATION OF BRANDS BILL.

### Second Reading.

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

The Bill was read a second time.

### In Committee.

Clauses 1 and 2 agreed to.

Clause 3—

Mr. LOGUE moved that the words, "or of any brand upon sheep after this Act comes into force, without having first registered the same under this Act," be struck out.

After some discussion, the amendment was put, 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.
The Hon. R. J. Wakeat	The Hon. M. Fraser
Mr. Newman	Mr. Russell
Mr. Russell	Mr. Marmion
Mr. Moore	The Speaker
Mr. Drummond	Mr. Brown (Teller.)
Mr. Phillips	
Mr. Shenton	
Mr. Steere	
Mr. Monger	
Mr. Logue (Teller.)	

Amendment thus passed.

Clause, as amended, agreed to.

The remaining clauses were agreed to, with some further amendments.

Bill reported, with amendments.

Mr. BROWN moved that the third reading of the Bill be made an Order of the Day for Thursday, the 17th instant.

### Standing Orders Suspension.

Mr. LOGUE moved that the Standing Orders be suspended with a view to the Bill now passing its third reading.

Motion put, "That the Standing Orders be suspended with a view to the Bill now passing its third reading," upon which a division was called for, the result being as follows:—

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

Majority for	5
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Ayes.  
The Hon. R. J. Walcott  
Mr. Steere  
Mr. Russell  
Mr. Drummond  
Mr. Munger  
Mr. Shenton  
Mr. Moore  
Mr. Phillips  
Mr. Newman  
Mr. Logue (*Teller.*)

Noes.  
Mr. Carr  
Mr. Russell  
The Hon. M. Fraser  
Mr. Marmion  
Mr. Brown (*Teller.*)

Motion thus passed.

### Third Reading.

Mr. BROWN moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 10.10 p.m.

## LEGISLATIVE COUNCIL,

*Thursday, 17th August, 1871.*

Public Works Loan Bill: statement: first reading: Standing Orders suspension: second reading: in committee: third reading—Pensioners' Benevolent Society Ordinance Repeal Bill: first reading: Standing Orders suspension: second reading and committee: third reading—Library—Prorogation.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

The Minutes were read and confirmed.

## PUBLIC WORKS LOAN BILL.

### Statement.

The COLONIAL SECRETARY (Hon. F. P. Barlee) intimated to the House that the resolutions of the Council in regard of public works and a public loan for carrying on the same had been assented to generally by the Governor, the only exception to the scheme being the proposed jetty at Fremantle, which His Excellency could not at present approve in the absence of further necessary information. It would be impossible, he contended, by the next out-going mail to England to procure the necessary plans, specifications, and details, indispensable before His Excellency could recommend the projected work for the approval of the Secretary of State. His Excellency thought that, during the recess, the whole scheme might be fully considered in all its bearings, and that all the requisite information could be obtained to enable him to decide upon the advisability of the proposed

undertaking. In regard of the other works projected, His Excellency was quite prepared to carry out the wishes of the House, and to introduce a Bill to raise the money for carrying out the same. If the Council would consent to a short adjournment he would submit for the affirmation of the House, a Bill to empower the Governor to raise a loan of £30,000, such sum to include the amount of £12,000 for the purpose of buying up the shares of the Electro-Magnetic Telegraphic Company, as suggested by the Hon. the Speaker, on the previous evening; and, if the Council would assent to the suspension of the Standing Orders, the Bill, if approved, might be passed through its various stages. His Excellency would be prepared to come down to the House, and prorogue the Council at half-past three o'clock that afternoon.

Mr. BROWN thought it would be well to postpone, at any rate for a short time, the question relating to the jetty at Fremantle, for the reasons given by the Colonial Secretary, as, if inserted in the Bill, and His Excellency could not recommend it without further information, the measure might be vetoed by the Imperial Government, and we would have all the other works indefinitely postponed.

Mr. DRUMMOND considered it would be a very great pity if such an important work as the construction of a jetty at Fremantle could not be carried out without delay. He thought it would be far wiser and preferable to expend the public money in the erection of this reproductive and really needful work than in the proposed purchase of the telegraph department.

Mr. NEWMAN said that it seemed somewhat strange to him that any further information was deemed necessary by His Excellency before he would be satisfied with the proposed jetty at Fremantle. Two plans and two estimates were on the Table of the House, one made, at the actual direction of His Excellency himself, by three Government officials appointed for that purpose, and another made by a public officer at his (Mr. Newman's) own request, and, he might say, his own expense. All the necessary estimates could be obtained within a few days, and he could not conceive that any further information could possibly be procured during the recess than could be obtained before the departure of the next out-going English mail. His Excellency was dissatisfied with the proposed scheme, and it would only be on the express understanding that His Excellency would not, probably, assent to the Bill at all if it included the jetty at Fremantle, that he (Mr. Newman) would assent to the