

Mr. STEERE said the only objection he could see to the adoption of the motion before the House was that he feared the season was too far advanced for bringing the proposed expedition to a successful issue.

The COLONIAL SECRETARY (Hon. F. P. Barlee), while regretting that, consequent upon the decrease of the revenue of the colony, and the unforeseen and unavoidable augmentation of public expenditure, he could not give the motion that cordial support which he would otherwise have done; yet, he was by no means desirous of throwing cold water upon the proposition of the hon. member for Toodyay. It would be for the Council to determine, whether in the existing depressed financial condition of the colony, the sum asked for, though small, could be spared.

Mr. NEWMAN expressed his approval of the motion, which, after some further discussion, was affirmed.

#### CONFIRMATION OF EXPENDITURE 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.

#### SURVEY DEPARTMENT RE-ORGANIZATION.

##### In Committee.

##### Resumed debate.

Mr. DRUMMOND, in resuming the debate on the re-organization of the Survey Department, said that since the previous evening's discussions, he had gathered information which led him to support the scheme proposed by the Hon. the Surveyor General. He would therefore move its adoption.

In answer to Mr. Logue,

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it would be impracticable to prepare the Estimates, in a complete form, until the resolution of the House with regard to the proposed plan for the re-organization of the Survey Department had been determined, inasmuch as, at the last session, the supplies for that department were conditionally voted for six months only, or until such time as the House reassembled. It was now necessary that he should be informed what alterations and reductions in the departmental staff would be accepted by the Council, prior to the compilation of the Estimates.

Mr. LOGUE asked the Surveyor General—1. What arrangements would be adopted for checking the work performed by contracting surveyors in the various districts of the colony? 2. Whether he had decided upon a scale of fees to be paid for contract work? 3. Whether any correspondence had taken place between him and the officers whose services it was proposed to dispense with; if so, were they satisfied with the proposed scheme of re-organization and reduction?

The SURVEYOR GENERAL (Hon. M. Fraser) replied—1. It would be his duty to see that all the work in connection with the department under his control was duly and efficiently performed. 2. No answer. 3. Correspondence had passed between him and the officers referred to, and they expressed their willingness to accede to the proposals contained in the memoranda before the House.

An animated discussion, somewhat personal and invidious, ensued, in which Mr. BROWN, Mr. LOGUE, and Mr. MARMION took a prominent part, the two former defending the claims of those officers whose services it is proposed to dispense with, and the latter contending that the contemplative compensation was calculated on a fair and equitable scale.

The motion was then agreed to, and the proposed plan for the re-organization of the Survey Department will, on the motion of the Colonial Secretary, be put in operation on the first day of September next.

The Council adjourned at 7.50 p.m.

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#### LEGISLATIVE COUNCIL,

*Tuesday, 18th July, 1871.*

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Educational Grant: Petitions—Exploration Eastward of Hampton Plains—Land Regulations: select committee—Thompson's Road Steamer—Licensing of Public Houses Bill: second reading—Distillation Bill: second reading—Elementary Education Bill: second reading: select committee.

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The SPEAKER took the Chair at 12 noon.  
PRAYERS.

The Minutes were read and confirmed.

#### EDUCATIONAL GRANT: PETITIONS.

Mr. CARR presented a memorial, signed by 1,038 of the Roman Catholics of Perth, praying for a portion of the educational grant. Petitions to the same effect were presented by Mr. Steere, signed by 426 of the Roman Catholics of the Wellington district; by Mr. Monger from the York district, signed by 568

persons; by Mr. Hassell, from 236 Roman Catholics of the Albany district; by Mr. Logue, signed by 756 of the Roman Catholics of the Champion Bay district, together with a declaration attached, signed by 42 Protestants who cordially supported the memorialists' prayer. Mr. Marmion presented a similar petition, signed by 566 of the Roman Catholic inhabitants of Fremantle; Mr. Drummond, from 519 of the same religious communion resident in the Toodyay district, and another signed by 403 Roman Catholics at New Norcia. Mr. Gull presented a memorial from members of the various Protestant denominations of the Swan district, embodying a series of resolutions passed at a recent meeting held at Guildford, praying for a modification of the existing system of education.

Mr. STEERE called the attention of the House to page 510 of *May's Practice*, relative to the signing of petitions, which must in all cases be signed by the memorialists, and in no instance by proxy. It was an unwarrantable breach of the privilege of the House to submit memorials for consideration which bore the names of a number of persons all written in the same handwriting. In the present instance he would not oppose the acceptance of the petitions before the House as he himself had unwittingly been guilty of the breach of privilege of which he complained, inasmuch as the petition which he had presented from the Roman Catholics of the Wellington district, though emanating from 426 persons, had evidently been signed by one only. He had called the attention of House to the rule laid down by *May* so that, in future, all petitions presented to the Council should be in accordance with parliamentary practice.

#### EXPLORATION EASTWARD OF HAMPTON PLAINS.

The COLONIAL SECRETARY (Hon. F. P. Barlee) announced to the House that His Excellency the Governor had been pleased to accede to the humble address agreed upon on the previous evening, to sanction the expenditure of £200 for the purpose of exploring the country to the eastward of Hampton Plains.

#### LAND REGULATIONS.

##### Select Committee.

Mr. STEERE, in accordance with notice, moved that a select committee be appointed for the purpose of considering and reporting to this Council, what alterations are required in the existing Land Regulations of this colony. That such committee have power to call for papers, persons, and reports.

The SURVEYOR GENERAL (Hon. M. Fraser) called the attention of the hon. member to the fact of a memorandum of proposed Land Regulations having been submitted for the consideration of the Council by order of His Excellency the Governor, and asked whether it was his intention that the select committee for which he moved should take that memorandum as the basis of their report.

Mr. STEERE: I do not.

The SURVEYOR GENERAL (Hon. M. Fraser): Then I shall move an amendment.

Mr. STEERE: Very well.

The SURVEYOR GENERAL (Hon. M. Fraser) then moved that a committee be appointed for the purpose of considering and reporting what alterations are required in the existing Land Regulations, on the basis of the proposition already submitted for the consideration of the Council.

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

Ayes .....	7
Noes .....	9

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

Amendment thus negatived.

The COLONIAL SECRETARY (Hon. F. P. Barlee) expressed his regret that any discussion had arisen on the question before the House. The Government had very carefully considered the subject of the alteration and modification of the existing Land Regulations, and had spared no pains to render the memorandum, submitted for the consideration of the House, as complete and comprehensive as possible, believing that, in principle at least, it would meet the approval of the Council and the requirements of the colony. He was sorry indeed that, without giving that memorandum any consideration, or permitting any discussion upon its merits or demerits, the Council had deemed fit to reject it as the basis of any proposed alterations in the Land Regulations of the colony. The sole aim which the Government had in view in framing the memorandum before the House, and submitting it for the consideration of hon. members, was to encourage a free expression of opinion upon the proposition, with the view of modifying or

otherwise amending whatever portions of it that were not in accordance with the views of the majority of the House. After the summary manner in which the proposition had been rejected he would ask that, in nominating the select committee for the purpose of considering and reporting what alterations are necessary in the existing regulations, the name of no member of the Executive Council be placed on that committee. However desirable, indeed essential, it was that the Surveyor General should be associated with any committee appointed for such a purpose, that hon. gentleman could not, under the circumstances, be expected to take part or action in a matter wherein he could not conscientiously and consistently act with justice to himself and to the Government which he served.

Mr. BROWN deprecated any intention on the part of hon. members who had voted against the amendment to upset or ignore the proposition submitted by the Government for the consideration of the House.

Mr. LOGUE proposed that the selection of members to serve on the committee be proceeded with by ballot.

This was agreed to, and the following were appointed to form the select committee:—The Hon. the Surveyor General, Mr. Brown, Mr. Logue, Mr. Phillips, Mr. Drummond, Mr. Moore, and Mr. Steere (the Mover).

#### THOMPSON'S ROAD STEAMER.

Mr. STEERE, in accordance with notice, asked the Colonial Secretary what steps had been taken towards carrying out the vote of the Council for the purchase of a Thompson's road steamer.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that in accordance with the resolution passed at the last session of the Council, a survey had been made of the road between Perth and York Green Mount, diagrams of the same had been sent Home, and the gentlemen whom the Council had appointed to decide upon the merits of Thompson's road steamers, and their adaptability for the requirements of this colony, had been communicated with. Replies had been received from several of the gentlemen, and on the next incoming mail he expected to be able to lay the whole correspondence before the House.

#### LICENSING OF PUBLIC HOUSES BILL.

##### Second Reading.

The COLONIAL SECRETARY, in moving that the Bill be now read a second time, said

that the present law regulating the sale of fermented and spirituous liquors, and especially with regard to the licensing of public-houses, had been in operation since the year 1856, when various Acts relating to that question were consolidated. At that time, consequent upon the influx of the convict class, very stringent regulations were deemed necessary. From time to time, however, those Ordinances had been modified and amended; but of late, since the cessation of transportation to the colony, a feeling had prevailed, especially among publicans, that the very stringent regulations in connection with the licensing and conduct of public-houses should be relaxed. That feeling, it would be remembered by hon. members, appeared to have culminated when, at the last session of Council, a memorial was presented from the licensed victuallers of the colony for the consideration of the House. After the presentation of that petition, a very general feeling prevailed among hon. members that the laws relating to the sale of fermented and spirituous liquors should be amended, and, with the desire of carrying out the wishes of the House in that respect, he then undertook to introduce at the present session a Bill to consolidate and amend the laws relating to the licensing of public-houses. That Bill was now before the House. It would further be in the recollection of hon. members that, at the time when the victuallers' memorial was presented for the consideration of the Council, he had invited hon. members to favor the Government with their views upon the subject, but no discussion ensued, and the Government therefore was compelled to act in the matter on its own responsibility, and to adopt its own opinions in the framing of the Bill. It was, therefore, hardly probable that the measure thus introduced would meet with the entire concurrence and approval of the House. He contended that a sufficient period of time had now elapsed since the Bill was placed in the hands of hon. members to enable them to become sufficiently acquainted with its provisions so as to affirm the principle of the measure, or to reject it. Another opportunity would be afforded in Committee to discuss its details. Before entering into an explanation of the principle of the Bill, he would, with the permission of the House, briefly allude to the grievances set forth in the memorial submitted by the licensed victuallers for the consideration of the House, with the view of showing how far the Government had thought fit to comply with the prayer of the requisitionists. Firstly, the licensed victuallers based their application for a liberal modification of the existing licensing regulations on the fact that, when the present Act

was put in operation, the depressed financial state of the colony rendered the augmentation of the revenue a matter of imperative necessity, and the then continuous influx of convicts also necessitated that the laws relating to the sale of fermented and spirituous liquors should be more stringent than they would otherwise have been framed at a period when the revenue of the colony was in a more flourishing state. A promise, it was stated, was held out that when the financial condition of the colony improved, the regulations would be relaxed. All that he had to say on this matter was that the licensed victuallers, in availing themselves of the present time for seeking the fulfilment of that promise, were extremely unfortunate, owing to the depressed state of the colony, combined with an increasing deficiency in the revenue. For this reason the Government had not recommended that any reduction should be made in the existing rates of licensing public-houses; but the same provision which was contained in the existing Act relative to the power of the Governor in Council to reduce the licensing fees was retained in the amended Bill before the House, so that when the Council considered it prudent and reasonable to reduce the scale of fees, it was empowered to do so. Another grievance under which the licensed victuallers declared themselves to be suffering was the issuing of gallon licenses. The Government now proposed to abolish these licenses. The memorialists further urged that it be permitted to keep open the hotel department until the hour of 12 o'clock at night, excepting on Sabbath evenings. One of the principal objects of the Bill under consideration was to encourage good hotel accommodation, an undoubted desideratum in the colony; and certain provisions were specially framed for that purpose. Another objection to the Bill was that it empowered justices of the peace being concerned in the manufacture of wine, to act as licensing magistrates. In this objection he demurred, and no provision was made in the proposed amended measure for disqualifying such justices from sitting or acting in any meeting during the consideration of an application for a certificate for a license. Another, and a very just source of dissatisfaction, was the penalties relating to the introduction of games or sports, such as billiards, tennis, rackets, bowls, or quoits, upon the publican's premises. This had been removed by the provisions of the Bill under consideration, which permitted the introduction of such games, and enabled the hotel-keeper and the licensed publican to keep a billiard table without the payment of any extra fees. Another remedy sought was a power to enable publicans to maintain an action for the recovery of any debt or demand

on account of liquor sold. No doubt, to a certain extent, and in some cases, this disability was a hardship, for it was possible that an unprincipled person might obtain liquor without having the means or the intention of paying for the same, and the publican had no redress. But, on the other hand, hon. members would consider what might be done by unscrupulous publicans with a class of men who for days together keep up a drinking bout with no money to supply their wants. He alluded to a term used in this colony, of "lambling down," and stated that many instances had come under his notice of men who were permitted to indulge in intoxicating drink to an extent ruinous to their health and property, and when permitted to become sober, were horrified to find how heavy were the charges made for what they were supposed to have consumed. Another objectionable clause in the existing Act, from the licensed victualler's point of view, was the prohibition of receiving in payment for liquor any article of clothing, jewellery, or other article except metallic or paper money. The same disability was continued under the provisions of the new Act. He did not approve of hotel-keepers combining pawnbroking with their legitimate business, and, having emptied the pockets of a besotted customer, finish off by taking his hat, his coat, and his boots. A certain amount of protection was desirable for that wretched class of individuals who reduced themselves to such an extremity by a slavish and unconquerable desire for liquor. Another clause in the existing Act what was objected to, but which, however, had been again introduced into the Bill before the House, was that which prohibited the payment of wages in public-houses. This he considered a very necessary and a very desirable provision, as if immunity from fine or penalty was granted in this respect, many palpable evil results might follow. He would instance the case of an hotel-keeper, who might at the same time be a contractor for some large work, and point out that he might, but for the very proper prohibition to which objection was made, decline to pay his workmen except at his public-house, and thus receive over his bar on a Saturday evening, with one hand, the wages he had just handed to them with the other. He would also instance the case of an unscrupulous contractor, who might arrange with an equally unscrupulous inn-keeper—and it must be remembered such people existed—who might arrange only to pay wages at the public-house, and for a consideration. The disability under which a publican now labored with regard to appealing from the decision of a justice of the peace to the Supreme Court would be removed under

the provisions of the new Act; and, in addition to the penalty for supplying liquor to prohibited persons, such persons themselves would now be liable to imprisonment for seven days, which, he trusted, would to some extent lessen the liability of the publican. Having thus reviewed all the grievances set forth in the licensed victuallers' memorial, he would proceed to state the principle upon which the amended Bill had been framed. One of its principal objects was, as he had previously stated, to supply good hotel accommodation in the various towns in the colony; and another was, to abolish the existing system of gallon licensing, by creating a better medium of commercial intercourse between the merchant and the hotel-keeper, to the mutual advantage of both. To this end it was proposed that the former should be empowered to sell spirits in bulk without a license at all, which would encourage bona fide hotel-keepers to keep good liquor. With the view of encouraging the hotel trade it was proposed that, while the publican's license fee remained at £50, the hotel-keeper's license, without taproom accommodation, should be fixed at £20. Another feature of the new Bill was that it proposed to incorporate, for easy reference, all existing Ordinances relating to the licensing of public-houses and the sale of spirituous and fermented liquors. It also provided for the granting of special temporary licenses, and very liberal modifications were provided for as regards the sale of colonial wine by the producers. Another salient feature of the proposed Bill was the permissive clause, which empowered the majority of the ratepayers of a town or district to close all licensed houses within such town or district on Sundays. In conclusion, though he had no desire to hurry the passage of the Bill through the House, he would beg, as a matter of form, to move its second reading. When it would be considered in Committee, ample time and opportunity would be afforded for discussing its details; but he trusted that the principle of the measure would meet with the very general approval of the House.

Mr. SHENTON agreed with the broad principles of the Bill, but objected to the proposed abolition of gallon licenses. He would also prefer the permissive clause be made compulsory, and that the supplying of liquor in any quantities to Aborigines, be rendered penal.

Mr. NEWMAN cordially approved of a great number of clauses in the Bill, but was opposed to the abolition of the gallon licenses, and in this he believed he would be supported by the majority of hon. members.

Mr. STEERE and Mr. DRUMMOND expressed themselves to the same effect.

The ATTORNEY GENERAL (Hon. R. J. Walcott) rose to remove an erroneous impression which it appeared to him was very prevalent. It was believed by a great number of persons that if a gallon of spirits was merely ordered, the purchaser might legally be permitted to take away a single bottle; and that to dispose of a gallon of mixed spirits was permitted within the meaning of the Act now in operation. This was a fallacy, and any attempt to evade the law under such flimsy pretences was simply ridiculous.

After some remarks from Mr. MARMION, the COLONIAL SECRETARY, and Mr. NEWMAN, the Bill was read a second time, and ordered to be further considered in Committee on the following Friday, though a date somewhat later was suggested by the Hon. the Colonial Secretary, to afford licensed victuallers at a distance to comment on the provisions of the Bill.

#### DISTILLATION BILL.

##### Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving that the Bill be now read a second time, fully explained its principles, the encouragement it would afford to vineyard proprietors, and the effect it would have.

After some discussion at this stage, the Bill was read a second time.

#### ELEMENTARY EDUCATION BILL.

##### Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving that the Bill be now read a second time, said that it was to provide for public elementary education and to encourage voluntary efforts in public schools. He went on to say—Sir, the duty that now devolves upon me is one I feel to be of grave and overwhelming responsibility, and if I am not able to be as clear as I desire to be, it will not be solely owing to inability on my part, but will also in some measure be due to the circumstance that the subject to which the attention of the House is now directed is naturally embarrassed by several matters exercising influence on the measure. It is one of the most interesting and important, if not the most interesting and important measure that will be brought under your notice, and, during the brief space of time that I shall engage your attention, I trust I may claim the consideration, if not the indulgence, of the House. So much agitation has existed, and

still obtains in regard to the question of education, so many conflicting opinions are entertained on the subject, and, I am sorry to say, so much rancorous party feeling has been stirred up in connection with it, that I hesitate to enter upon the important duty that now lies before me. In dealing with it I trust I shall give offence to neither party, sect, nor creed; for I am anxious to enter upon my task in a spirit that will show that, while discharging the duties devolving upon me in an honest manner, I am anxious to cultivate a kindly feeling and understanding. It is only by exhibiting a large amount of forbearance and consideration for conflicting opinions, by dealing with the question as one apart and superior to party conflicts, that a fair settlement of the difficult and long-contested question of public instruction can be hoped for. Before proceeding to treat of the general principles of the Bill, I think that I should, in some measure, endeavor to vindicate my own consistency, by reviewing my conduct in connection with the subject under consideration. In 1869, memorials were submitted to the Legislative Council, under the old constitution, from a numerous body of the Roman Catholic population, praying for a separate educational grant, and, so strong was public feeling at that time, opposed to such a request, that the petitions were almost unanimously rejected. From that time up to the present there has existed a great deal of agitation on the subject, and I think I shall be right and justified in saying that at the time that this Council assembled last session there was a very general desire on the part of the majority of hon. members that some concession should be made to the Roman Catholics in regard to the question of education. The existing system of education has been in operation since the year 1855, and it is based, to a great extent, on the principles of the Irish education system, under which all denominations may avail themselves of schools so conducted, without fear of meeting anything offensive to their religious views. The only religious instruction imparted in such schools are certain Scriptural lessons on subjects upon which all parties agree. Even these are read at the commencement of school hours, at which time the attendance of children is not compulsory, if their parents do not desire it. But the Roman Catholics of Perth and Fremantle have never, as a rule, availed themselves of these schools. When the system came into operation they had their own schools in those places, and, with a great amount of consistency, they have never made use of Government schools from that time up to the present, though in the remoter districts of the colony, where no other

than the Government schools were in existence, they availed themselves, to a certain extent, of education therein imparted. At the last legislative session it was deemed desirable that some concession should be made to the Roman Catholics, and an educational system introduced of which they could conscientiously avail themselves. I felt then, as I feel now, that the present system of education is the best that can be adopted here in the existing position of the colony. The system is, to some extent, one of compromise, but the Roman Catholics still keep aloof from it, and it has been generally allowed that the time seems to have arrived for its modification. Being impressed with this view, I, in the interests of the colony, with a view to save its finances, proposed at the meeting of Council in the early part of this year, a compromise, which I knew to be acceptable to the Roman Catholics, and believed would meet with general concurrence. This House, however, declined to accept my suggestions. The consequence is, agitation has increased, and it became a matter of almost imperative necessity that some measure should be brought forward this session to settle the question and allay the feeling that has been engendered. It has been proposed that the system at present in operation in the mother country, and known as Forster's system, should be adopted in this colony, but its introduction in its entirety would be too cumbrous, and involve a larger machinery and a greater expenditure than the present financial state of the country could provide for. The system, which it is now proposed to introduce, is one that on the principle of equality to all classes, should be acceptable to the community at large. Hence the introduction of the Bill now before the House, a Bill which I trust will meet the requirements of the colony, by placing our educational system on a comprehensive and efficient basis, and bringing it into a more complete conformity with the spirit of representative institutions. The adoption of such a system, I need not say, will incur considerable additional expenditure, and the £500 proposed at the last session as an educational grant to the Roman Catholics will go but a very short way towards carrying out the system now proposed to be put in operation. Personally, as I have said before, I have seen no reason to alter my opinion as to the adaptability of the present system to meet the existing requirements of the colony; but, laying aside all personal feelings, I again come forward, and indeed, by public opinion, submit for the consideration of the House a scheme of education which I consider as the best substitution for the systems now in existence, and the general

principles of which, I sincerely trust, will be affirmed by this Council. They are closely allied, indeed, in many respects analogous, with the principles of Forster's Act. The Bill, if I may so speak, is an epitome of that system, which, it must be conceded, is too cumbrous and complicated to be introduced in its entirety into this colony. Feeling, as I do, the paramount necessity of approaching the consideration of the question before the House apart from all personal sectarian bias or feeling, and the utter hopelessness of its settlement on a satisfactory basis, or otherwise, I cannot but express my regret at the tone and temper of what has been said, and written, and calculated upon the subject within the last few days, and which must tend to stir up that rancorous and party feeling which, I had earnestly hoped, had, to a great extent, subsided. In speaking of what has been written upon the subject, I wish to do so in clear and unambiguous language, openly and fearlessly, for I do not wish to be misunderstood. I allude, firstly, to a letter addressed, a short time ago, to the hon. members for Perth; secondly, to a leading article signed by a gentleman well known in this colony, which appeared a few days ago in the columns of a local newspaper; and, lastly, to a paper privately circulated among the members of this House. Now, Sir, while thoroughly admitting the right of the writers and circulators of these effusions to do as they please, and it is not my intention to attribute to them any blame for doing that which they consider themselves justified in doing, but I will say, that two of these papers alluded to, and in which I am personally somewhat severely handled, are calculated to embitter, rather than alleviate public feeling on the question, and are, by no means, likely to promote that kindly and liberal spirit in which the subject should be approached in this House. The tone of these papers is not only one-sided, but ungenerous, the arguments adduced are flimsy and fallacious, and the zeal which the writers have displayed with the view of carrying out their own wishes has, I fear, in a great measure, made them forget that there is another side to the question to which there is a certain amount of justice due. The Bill, to the principles of which I now crave the attention of the House, is one based upon the broad principles of equality to all, and I hope that hon. members, in approaching its consideration, will do so in an honest and independent spirit, and will put away all feelings of creed or denomination, and remember that they are debating "measures and not men." The leading features of the Bill are the providing of Government aid for secular education alone, and the appointment of a central

board and local boards for the direct control of public instruction. I believe the time has gone by when either the House or the country would agree to any sort of legislation having a tendency to go back to anything like a denominational system of education. It is proposed that public instruction be regulated by boards, consisting, firstly, of a central board, which will have charge and management of the expenditure of the public grant for educational purposes; and, secondly, of local boards in each educational district for the immediate control of the grants apportioned to such district. To avoid all undue predominance or preponderance of any one sect or party, the members of such boards would be elected in the same manner as members of the Legislature, that is, by the votes of all persons whose names appear on the electoral roll. The name of every intending candidate for a seat on such boards shall be sent for publication in the *Government Gazette* at least six times before the day of election, and the only exception to the cause now obtaining with regard to the election of members of Council is the introduction of cumulative voting, so that every voter shall be entitled to a number of votes equal to the number of the members of the board to be elected, and may give all such votes to one candidate, and thus give minorities some chance of being represented. The powers of the central board are administrative rather than executive; not to interfere with details, but exercise a general supervision over all schools receiving Government aid in secular instruction only, and a more special direction over purely Government schools. The powers of the district or local boards are, to inspect and supervise within the district all schools receiving aid in matters of secular education, and to forward, from time to time, all such recommendations and suggestions as may be deemed beneficial for such schools. Another feature of the Bill is the division of the schools into two classes, namely, "Government," and "assisted." At present it is not proposed to interfere with the existing schools (which in time will necessarily merge into elementary or Government schools,) as there are a great number of schoolmasters and mistresses throughout the colony whose services could not be dispensed with in justice to their legitimate claims. Another peculiar feature of the measure before the House is the introduction of what might be termed a conscience clause; the central board being empowered to fix times out of school hours when religious teachers may attend for the purpose of imparting religious instruction, providing that a register shall be kept, in which shall be entered the religious denomination of each

child, and that no minister, teacher, or visitor shall give religious instruction to, or in presence of any child registered or known as of a different denomination. The Government, therefore, will have nothing to do with religious instruction; nor will the Inspector of Schools be permitted to interfere but with the condition and the character of the secular instruction given in such schools. The entire control over the expenditure of public money which may take place in connection with public education throughout the colony will, of course, be vested in the Legislative Council, and the central board will merely supervise the division of such a fund throughout the various districts. When the Bill comes to be considered in Committee, a further opportunity will be afforded for discussing its details, and I shall be happy to give every explanation in support of what I have already stated with regard to the general principles of the measure, with the view, if necessary—as, doubtless, it will—of rectifying imperfections, and introducing such modification as the Council may deem expedient to render the Bill as adequately complete as possible. If it is the desire of the House that the Bill be first of all referred to a select committee, I will, when that desire is expressed, nominate a committee that I believe will meet with the entire concurrence of all hon. members. In conclusion, while thanking the House for the courtesy and indulgence with which these observations have been listened to, I have only to reiterate the earnest hope that hon. members will deal with this national question in a national spirit, and endeavour, by exhibiting a large amount of forbearance and kindly feeling, to settle our educational system on a comprehensive, efficient, and satisfactory basis. I trust that the measure which will result from our labours will be such a one as will meet with the requirements and expectation of the country, and one that may not render it necessary to reopen the question for years to come.

Mr. NEWMAN, after briefly referring to the prominent part which he had taken in the discussion on the educational grant last session, said he could not possibly understand how any who had the slightest acquaintance with the state of public feeling outside the Council Chamber could for a moment imagine that the Bill before the House would allay the agitation that exists. He absolutely and emphatically denied the hon. gentleman's assertion that the measure was calculated to give satisfaction to all classes. Several of the clauses, especially the 25th and 27th, were utterly opposed to the principles of Forster's Act, upon which, it was stated, the Bill had

been framed. The local boards, under the provisions of the proposed Bill, would be absolutely powerless, whereas under Forster's Act they were almost all-powerful. He was also opposed to cumulative voting, which in this colony would have a precisely opposite effect to what it would in the mother country. The number of persons proposed to constitute the central and the local boards was ridiculously small, and however expedient it might be that the people should have a more direct control in the management of a public elementary educational system, the Bill under consideration certainly did not provide for such a contingency. He characterized the 22nd section of the Bill—which enacts that no child shall be invited or permitted to attend religious instruction should his parents object to such attendance, and that no minister of religion, teacher, or visitor shall give religious instruction to, or in presence of, any child registered as of a different religious denomination—as a monstrous clause. Situated as we are in this colony, an educational system should deal with the whole country alike, and the children of all denominations should be looked upon as one. The result of the proposed measure would be to afford very considerable aid to one section of the community, while it withheld it from another; and the former would further be enabled to teach whatever was deemed proper, whereas the latter would, under the provisions of the Bill before the House, be denied the privilege.

Mr. STEERE was quite convinced that the Bill under consideration would not accord with the views of a large majority of hon. members. Not only was it opposed in principle to Forster's Act, but it was one-sided, and favoured one section of the community, while detrimental to the other. The powers proposed to be given to the central board were extremely objectionable and arbitrary, and the powers with which it was intended to invest the local or district boards were much too restricted. He was in favor of a timetable conscience-clause, which should be extended to all schools, and not to one class of schools alone. There were various other objectionable features in the bill, which he would oppose when in Committee.

The ATTORNEY GENERAL (Hon. R. J. Walcott) contended that the 22nd clause was inserted in the Bill for the purpose of preventing proselytism, and the section would, to a certain degree, be in effect a conscience clause.

Mr. GULL thought, with the Hon. the Colonial Secretary, that the Bill should be referred to a select committee prior to its



being considered in a Committee of the whole House, and, though there were several features of the measure which he considered objectionable and improper, he would refrain from further allusion to them until the Bill came to be considered in Committee.

Mr. LOGUE expressed his regret that no compulsory clause had been introduced into the Bill, and very strongly recommended the adoption of some such regulation in the colony.

Mr. MARMION defended the Bill, and the principle which had guided the Government in framing it. He characterized it as a just and equitable measure, and one calculated to afford a fair prospect of permanent tranquillity. It recognised the rights of a section of the community which had hitherto, from sectarian scruples, been debarred from partaking of the benefits of schools provided and supported by Government. The grand feature of the Bill before the House was "Equality to all, favor to none," and it was mere selfishness to argue that, because the Roman Catholics were in a position to at once avail themselves of the benefits to be derived from the Bill, and other denominations were not, it was therefore objectionable. He trusted that if the Bill was referred to a select committee, the members of that committee would be so nominated as to represent the various religious views of the community.

The COLONIAL SECRETARY (Hon. F. P. Barlee) briefly replied to the several objections raised by the opponents of the measure.

The Bill was then read a second time.

Select Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be referred to a select committee of seven, and that such committee consist of Mr. Steere, Mr. Marmion, Mr. Monger, Mr. Newman, Mr. Bussell, Mr. Logue, and the Mover.

Question put and passed.

The Council adjourned at 4.50 p.m.

#### LEGISLATIVE COUNCIL,

Wednesday, 19th July, 1871.

Land Regulations: personal explanation—Paper  
Tabled—Breadstuffs and Cereals Petition—Third Readings.

The SPEAKER took the Chair at 6 p.m.  
PRAYERS.

The Minutes were read and confirmed.

#### LAND REGULATIONS.

##### Personal Explanation.

Mr. STEERE said that when he rejected the proposition made by the Hon. the Surveyor General, on the previous day, relative to the memorandum on the land regulations, he understood from the tone of the hon. gentleman's remarks that, in adopting the memorandum as the basis of their report, the select committee appointed to consider what alterations were necessary in the existing Land Regulations, would be compelled to support the principles of that memorandum. It was for this sole reason that he had resisted the motion of the hon. gentleman, and from no desire that the committee should overlook or ignore the suggestions contained in the memorandum. On the contrary, it was his intention that the committee for which he moved should carefully consider the Surveyor General's outline of proposed new Land Regulations. He trusted that this explanation would be satisfactory, and that the result of the division on the hon. gentleman's amendment would not preclude him from consistently cooperating with the committee.

Mr. STEERE, with leave, without notice, then moved that it be an instruction to the select committee on the Land Regulations to take into consideration the memorandum, now before the House, of the Surveyor General, on the subject of the Land Regulations, with a view to making it a basis for discussion.

The SURVEYOR GENERAL (Hon. M. Fraser) expressed himself satisfied with the explanation of the hon. member for Wellington, and trusted that the result of the committee's deliberations would be the introduction of such Land Regulations as would tend to the best interests and prosperity of the colony.

Question put and passed.

#### PAPER TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the Table of the House correspondence from the Resident Magistrate at Roebourne relative to the Aboriginal Natives Pearl Shell Fishery Act.

#### BREADSTUFFS AND CEREALS PETITION.

Mr. DRUMMOND presented a petition from the settlers of York, Toodyay, and Victoria Plains districts, praying for the imposition of a duty on all imported breadstuffs and cereals. He said he would refrain from