

Agreed to, and clause, as amended, passed.

Clause 57.—“Any person holding a Publican's General License, a Wine and Beer License, or a Wayside House License under this Act, who shall knowingly or wilfully permit any aboriginal natives to remain on or loiter about his licensed premises, shall on conviction thereof forfeit and pay for the first offence the sum of Two pounds, and for every subsequent offence the sum of Five pounds:”

Mr. BROWN pointed out that, if the clause were carried out strictly, it would be a source of considerable inconvenience to settlers and others who were travelling with native servants, who as a rule obtained their meals in the kitchen of the public house or hotel where their masters stayed at. According to this clause, a publican was liable to be fined for allowing these natives to remain on his premises.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said it would be impossible to provide for every contingency. Magistrates would surely exercise some discretion in cases such as those referred to by the hon. member, and in which the law would only be broken as regards the letter, and not in its spirit.

The clause was then agreed to.

Clauses 57 to 88 agreed to, without discussion.

Schedules agreed to.

Preamble and title agreed to.

Bill reported.

SANDALWOOD BILL.

The Order of the Day for the further consideration of this Bill in Committee being read,

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) moved that the Order be discharged, and the Bill be referred to a Select Committee, such Committee to consist of Mr. Crowther, Mr. Shenton, Mr. Hamersley, Mr. Venn, Mr. Marmion, and, by leave, Mr. Grant and Mr. Randell.

Agreed to.

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

LEGISLATIVE COUNCIL,

Monday, 9th August, 1880.

Supplementary Votes for 1880—Court of General Sessions at Banbury—Salary and Allowances of officers of the Works and Railways Department—Ware-house accommodation at Banbury—Expenses of Superintendent of Roads per *Rob Roy*—Real Property Limitation Bill: third reading—Firth Church of England Collegiate School: second reading; referred to select committee—Adjournment.

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

PRAYERS.

SUPPLEMENTARY VOTES FOR 1880.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), pursuant to notice, moved, “That the House resolve itself into a Committee of the whole, to consider certain expenses requisite to be incurred in certain departments, over and above the sum voted in the Appropriation Act for the current year.” The hon. gentleman said the course adopted with reference to this matter was a somewhat unusual one, but he felt sure that the feelings of the House would be with him when he explained the reason for its adoption. That reason simply was, that the votes appropriated by the House for the services in question had proved inadequate, the actual expenditure having exceeded the estimated expenditure. The first item and the heaviest item to which he would call the attention of the House was in connection with the Postal and Telegraph Department—“Conveyance of Inland Mails, £3,000.” This might appear a large amount in excess of the sum appropriated for the service, but when he informed the House that they had not taken into account the receipts which were likely to be derived, in respect of the conveyance of passengers and parcels, and which were estimated at about £2,000, hon. members would see that the actual excess which they were asked to sanction was not more than about £1,000. There was also a small item of about £25 required beyond the vote for the year, in connection with the renting of buildings for country post offices; and a further amount of £50 2s. 6d., being our quota—in excess of the sum estimated—towards the subsidy to the Eastern Extension Telegraph Co. for the duplication of the

sea cable from Port Darwin to Singapore. Hon. members would recollect that last Session the House agreed to contribute the sum of £367 as our proportion of the annual subsidy for this cable, the quota to be paid by each Colony being based upon their respective populations; but, since the calculation of the amount of subsidy due from the various colonies had been made, it was found that Tasmania (he believed) had refused to join with the other Governments in participating in the liabilities, and consequently the proportion due from the other colonies of the group had been correspondingly increased. The excess for Western Australia was the amount which he now asked the House to sanction—£50 2s. 6d. The next department in connection with which expenses had to be incurred over and above the sum appropriated for the present year was the Printing Department, in connection with which a sum of £200 was required in consequence of extra labor which it was found necessary to employ. There was also an estimated sum of £500 required for the Works Department, the vote for which was already nearly exhausted. As there were yet four months of the year unexpired, and as only about £200 remained available for expenditure upon "minor works," the House was now asked to sanction an excess vote of £500 for this service, which it was estimated would suffice to meet all emergencies. He need hardly point out that it was impossible to limit with any degree of exactitude the expenditure in connection with such services as the repairs of jetties and other structures which were subjected to the action of the weather or the force of the sea; and the necessity for the excess vote in connection with this department simply arose from the fact that the money voted last Session had not proved adequate to meet the demands made upon the department. The total amount of excess which the House was asked to sanction was £3,775 2s. 6d. He now begged to move that the House should go into Committee to consider the various items in detail.

Motion agreed to.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved, "That the

"Committee approves of the expenditure
"of the undermentioned sums in excess of
"the vote for certain Departments as detailed in the Estimates for 1880:—

Post Office Contingencies:		£	s.	d.
Conveyance of Inland Mails	...	3000	0	0
Rent	...	25	0	0
Subsidy Duplication of Sea Cable	...	50	2	6
		£3075	2	6
Printing Department:				
Extra Workmen	...	200	0	0
Works and Buildings:				
Repairs and Alterations to Public Buildings, Minor Works, &c.	...	500	0	0
Total		£3775	2	6

It was resolved, for the sake of convenience, to consider the items *seriatim*.

Item:—Conveyance of Inland Mails, £3000:

MR. S. H. PARKER said it would be in the recollection of the House that, on the 27th July, ultimo, he moved for certain returns, among them being a return showing the whole cost of organisation and up-keep of the Southern and Eastern mail services, such return to give the number and cost of horses purchased, the cost of carriages, horses, and other incidentals, and the cost of erection and repairs of stables and fences necessitated by such mail service. As this return had not yet been furnished, he could not but think that, before the House affirmed the resolution now submitted for its consideration, hon. members ought to be placed in possession of some information as to how the money already voted for the conveyance of inland mails had been expended. The return which he had asked for, and which ought to furnish this information, ought to be laid before the House before it sanctioned the additional expenditure of a single penny in connection with this service.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said he was perfectly in accord with the hon. member on that point, and was quite prepared to defer the consideration of this item until the return asked for had been furnished. He need hardly inform the House that the resources of the public departments were pretty heavily taxed just now in preparing the various returns called for by hon. members; but he would undertake that this particular return should be furnished with as little delay as possible. He thought that the fact of the House not being in possession of it was a very

fair reason for asking for the postponement of the consideration of the item now before the Committee. He would therefore move that Progress be reported, and leave given to sit another day.

MR. STEERE said he quite agreed in the hon. gentleman's proposal to report Progress, but, when the decision of the Committee was reported to the House, it was his intention to move as an amendment that the Select Committee now engaged in considering the Over-expenditure Bill should be instructed also to take into consideration the supplementary votes now asked for. He thought that would be the most satisfactory course to adopt, in order to ascertain how these excess votes had become necessary.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) drew attention to the fact that in asking that Progress be reported it was done in order to enable him to afford certain information to the House. That information he was perfectly ready to afford; but a mine had suddenly been sprung upon him in the proposal that these items should be referred to the consideration of the Select Committee on the Excess Bill. He was perfectly aware that that Committee was not likely to sit again for another week, and he thought the hon. member could well afford to wait until Wednesday before he moved a resolution of this nature. Should he then deem it desirous to do so, it would of course be quite competent for him to move his resolution.

MR. STEERE then formally moved, as an amendment upon the motion to report Progress, "That it be an instruction to the Select Committee on the 'Excess Bill to inquire into the expenditure during this year of the various items for which a Supplementary Vote has now been asked; with power to call for persons and papers.'"

MR. BROWN seconded the amendment. He considered it highly desirable that the Select Committee should inquire into the causes that had led to the amounts voted last year for these services proving insufficient. It was as much their duty to do that as it was to inquire into the causes of the over-expenditure embraced in the Excess Bill. It appeared to him strange that the Government should come there without any explana-

tion to offer with regard to the necessity for these supplementary votes beyond the simple admission that the money voted last Session had not proved sufficient to meet the demand in respect of these particular services. It was quite true that the Government might furnish the House next Wednesday with full information relative to some of the items, in pursuance of the motion of the hon. member for Perth, even if these instructions were not given to the Select Committee. At the same time he thought it would be much more satisfactory if the whole subject were to be thoroughly investigated by a Select Committee of the House, and it appeared to him that the Select Committee already appointed to inquire into the Over-expenditure in connection with other items would be more likely to thoroughly investigate these additional charges than a fresh Committee would be. As to the statement that the Select Committee in question would not sit again for another week, the reason of that was because the officers of the Government were unable to furnish the information which the Committee required, and had asked for. They were not going to adjourn for a week simply because they had no work to do, but because certain returns asked for by the Committee could not be furnished to them by the Government at an earlier date. If it were made an instruction for them to enquire into these supplementary votes, they would be able, and quite prepared, to sit the very next day.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the hon. member had twitted the Government for not supplying certain returns. The hon. member seemed to think that the Government had a staff at their command not only sufficient for the ordinary business of the public service, but also for undertaking any additional business which that House might think fit to find for them. That was not the case. He might inform the hon. member that the officers of the Audit Department were working early and late in order to get up the returns asked for by the Select Committee. It was quite true, as he had already stated, that the returns asked for in connection with the postal service might be ready by Wednesday; but how

many other returns were asked for by the Select Committee? The whole of the year's accounts. Under these circumstances, he thought it was unfair that the Government should be twitted for not having these returns prepared for the Committee before now.

MR. CAREY said the returns asked for by the Select Committee had nothing whatever to do with the matter now before the House. Surely one would have thought that the Government would have been prepared to afford the House every information with regard to these Supplementary Votes before asking the House to sanction them. Had they been so prepared, there would have been no necessity to refer the items to a Select Committee.

The amendment was then put and passed.

COURT OF GENERAL SESSIONS AT BUNBURY.

MR. VENN, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to make provision for the establishment of a Court of General Sessions of the Peace at Bunbury." The local Ordinance, 9th Viet., No. 4, under which provision was made for the trial of criminal offences at district courts of quarter sessions, empowered His Excellency to proclaim such courts at such times and places as he might appoint; and the provisions of the Ordinance in this respect had already been extended to Albany, Geraldton, and latterly to Roebourne. As they had not heard of any instance in which the administration of justice had been impaired or abused by the appointment of these district courts, he thought it might safely be inferred that they had worked satisfactorily and successfully. It was notorious that before the establishment of these courts, the expenses of bringing down witnesses and prisoners to Perth from remote districts was enormous, and though he was not prepared with any statistics to show the saving which had been effected by having these Courts proclaimed at Albany, Geraldton, and Roebourne, it was obvious to hon. members that a great deal of unnecessary expense had been thus avoided. He therefore proposed to

ask the Government to extend the provisions of the Ordinance to Bunbury, where, he had no doubt, the result would be equally beneficial and advantageous to all parties. The proposition was one which he thought would commend itself to the favorable consideration of the House, without any advocacy on his part; and he would therefore content himself by simply moving the resolution standing in his name.

MR. CAREY seconded the motion.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would gladly support the proposition, which affirmed the desirability of extending the privileges already exercised by the local magistracy, with respect to the administration of criminal justice. These district courts, although they did not enjoy the privilege of sentencing a man to death, were empowered to commit him to penal servitude during the term of his natural life; and, inasmuch as the depositions in all the cases that came before these courts were sent to the Crown law officers at Perth, he did not think any great deal of harm was likely to accrue, but on the contrary a great deal of benefit, from a vigorous administration of justice by the local magistracy.

The motion was then agreed to.

SALARY AND ALLOWANCES OF OFFICERS OF THE WORKS AND RAILWAYS DEPARTMENT.

MR. CAREY, in accordance with notice, asked, "For a return showing the salary, allowances, and the nature of the employment of all officers connected with the Works and Railway Department from 1st January to 30th June, 1880; such return to show travelling and other expenses.

"2.—A separate return showing in what way Messrs. Parry and May were employed at the Blackwood in May last; the time occupied, and the expenses incurred thereby—salary and allowances included. Also the nature of the employment, the time occupied, and the expenses incurred by the same persons in the remeasurement of the Northern Railway.

"3.—A return showing the various visits paid to the Bunbury and Vasse Districts by the Superintendent of Roads, from June 1879 to May 1880,

"inclusive. Such return to give the nature of employment, dates, time occupied, and all expenses connected with each visit; and to show whether police, mail, or hired horses were used. Also, in what instances the Superintendent had the services of, or was accompanied by, a Police Constable or what person employed and paid by the Government.

"4.—A return of the total amount of money actually paid in the same period (June 1879 to May 1880) for work done or in progress in the above districts out of Roads Loan, showing on what roads such money has been expended."

With regard to the first return asked for he need say nothing, for it spoke for itself. There was a very general feeling abroad that the Works Department was a very expensive department, and unnecessarily so; and these returns would show whether that feeling was well founded, or otherwise. With regard to the second return, he had referred to this subject the other evening, when speaking of the Superintendent of Roads. As to the nature of the employment, and the expenses incurred by the two young gentlemen referred to, in connection with the remeasurement of the Northern Railway, he was informed that the work done by them could have been equally well performed by any ordinary laborer on the spot—simply holding a tape line. Yet the country must be saddled with the expense of sending these two officers from the Works Department at Perth all the way to Champion Bay to do a work of that character. With regard to the third return, he had spoken on this subject the other evening, and he had no hesitation in saying that the return, if furnished, would bear him out in all he had said. With reference to the fourth and last return, he ventured to say that this would show that so far from the expenses of supervision under the present system being only six per cent. of the money laid out on the roads, it would be nearer sixty per cent.

MR. BURT seconded the motion.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the more these matters were enquired into, the better it would be for the Government. The House would then see that things were

not carried on in that reckless manner which they were led to suppose, by such returns as these being asked for. At the same time, he would like to draw the attention of the House to what he might call the personal nature of these returns, and to ask the House to bear in mind what took place last Session, when returns of a similar character were persistently called for by the same hon. member. He hoped the hon. member would not think he was making any personal attack upon him; he was commenting rather upon the invidious nature of the returns asked for, and he thought it would be well that the House should in future set its face against such returns being furnished, merely to afford a personal gratification.

Motion agreed to.

WAREHOUSE ACCOMMODATION AT BUNBURY.

MR. VENN asked the Colonial Secretary whether it is the intention of the Government to provide any warehouse accommodation for the protection of general merchandise landed at Bunbury; and if so, when? On the occasion of a visit paid by Governor Ord to Bunbury last year, His Excellency promised that this work should be done, and tenders were actually invited for carrying it out. But since then nothing had been done in the matter. The necessity for the accommodation referred to was acknowledged on all hands, and he thought the Government might fairly be asked to do this much for the mercantile community. When he came down to Perth to attend the Council he interviewed His Excellency the present Governor on the subject, and pointed out to him how the thing might be done at very little increased expenditure of money, by converting the old bonded store near the jetty into a warehouse, and connecting it, by a short tramway, with the pier, which would answer all present requirements.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the promise made by Governor Ord would have been carried into effect, but for the fact that the tenders sent in were considered by His Excellency to be much too high, and, if accepted, would have justly warranted the Government in being accused of "reckless extravagance." There was no

sum on the Estimates for the current year for this purpose, and the Government therefore were precluded from doing anything in the matter. It would, however, be competent for the hon. member who represented the district to move an address to the Governor, requesting His Excellency to place a sum on the Estimates for next year to carry out the object in view.

TRAVELLING EXPENSES OF THE SUPERINTENDENT OF ROADS, PER ROB ROY.

MR. SHENTON moved for a return in detail, showing the travelling expenses incurred by the Superintendent of Roads on his late trip to Albany, including the amount paid to the *Rob Roy* for the transport of his horses and carriage.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the return asked for would be furnished; at the same time, he could only express his regret that it had been asked for, after what had taken place the other evening.

Motion agreed to.

REAL PROPERTY LIMITATION ACT, 1878, REPEAL BILL.

This Bill was read a third time and passed.

PERTH CHURCH OF ENGLAND COLLEGIATE SCHOOL ACT, REPEAL BILL.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) in moving the second reading of a Bill to dissolve the Corporation of the Governors of the Perth Church of England Collegiate School, said the Government was in no way pledged to its support. It had been introduced at the request of the governing body of the institution referred to, which it appeared had not answered the expectations of its founders. It was therefore proposed to dissolve the present corporation, and to vest the property in the Standing Committee of the Diocesan Synod. He was aware that several hon. members would oppose the Bill, some on one ground, and some on another, the principal reason he understood being that all the donors to the funds contributed for the purpose of founding the school had not joined in the petition

presented to the House praying that the existing corporation should be dissolved. But he was authorised by Bishop Parry to state that this was a mere inadvertence—unfortunate, perhaps, but not intentional. He believed that the purposes for which the school was founded would be in no way altered if the present Bill became law,—as the property would still be devoted to educational purposes,—and that the object in view was merely to change the governing body of the school. He did not intend entering into the details of the measure, but would leave that to those who were more conversant than he was with the subject, and the object in view, and content himself by formally moving the second reading of the Bill.

Motion put.

MR. S. H. PARKER: If, as the Colonial Secretary stated, this Bill did nothing, or proposed to do nothing, beyond transferring the property in question from one corporate body to another, I do not suppose there would be any great objection to it. But even then I think it would have been incumbent upon those who asked the House to pass a legislative enactment sanctioning that transfer, to show, firstly, that all the present governors of the school are really willing that such a course should be adopted, and secondly, that all the contributors to the funds with which the property was purchased had been consulted in the matter, and that they all acquiesce in the proposal to effect this transfer. I find it cited in the preamble, *inter alia*, that "whereas the donors of the funds contributed for the purpose of founding and endowing such Collegiate School are desirous that the lands, buildings, and premises, and other property vested in the present corporate body should be vested in the Standing Committee of the Synod of the Western Australian branch of the Church of England, be it therefore enacted"—and so on. It is here positively stated that the donors are willing and desirous that this transfer should be effected, and—I presume for the purpose of proving this preamble—we have had a petition placed on the Table of the House praying this Council to sanction such a proposal. On reference to that petition, I find that of

the thirty-eight original contributors to the foundation fund, only four or five have appended their names to the memorial; and yet we are told, in the words of the preamble, that the general body of donors are desirous and willing that the objects of the present Bill shall be carried out. Again, Sir, I find on referring to the statutes and regulations adopted by the council of governors, and annexed to the Ordinance of the Legislative Council under which the school was originally incorporated, that the governing body shall consist of fifteen persons, three of whom must be clergymen and twelve laymen. The petition referred to purposes to have been only signed by the three "surviving" governors,—why so called, I do not know—whereas the statutes and regulations expressly provide that there shall be no less than fifteen governors. If it were shown to the House that there are this number of governors, and that they all had signed the petition, there might be some ground for asking the House to pass this Bill. But under existing circumstances this Council, I maintain, would not be justified in doing so. The House has not been informed whether the number of governors has been reduced, or what has become of them. If they have been reduced, either by death or any other cause, it was the bounden duty of those remaining to keep up the statutory number, and it ought to be shown to this House that they are unanimous in their desire to effect the transfer contemplated in this Bill; and not only that the governors of the school are thus unanimous, but also the surviving donors to the funds contributed for the purpose of founding the school. No doubt many of those donors are deceased, but there are many others whose signatures might have been obtained to this petition, without much trouble,—such as Mr. Henry Gray of Geraldton, Mr. John Taylor of Yangebine, Mr. Benjamin Ranford, Mr. Thos. Burges, Dr. Waylen, Mr. Walter Padbury, Mr. George Glyde, and others. The Colonial Secretary, in moving the second reading of the Bill, said it did not propose to make any alteration in the purposes for which the school was founded. If such were the case, there would be no objection to the Bill, nor

indeed any necessity for it. But the hon. gentleman is very much mistaken. If the Bill was merely intended to transfer the school from one corporate body to another, upon precisely analogous trusts, the measure would be a superfluous one; but if hon. members will look at the original Ordinance, which it is proposed to supersede by the present Bill, they will see that there is a very considerable difference between the trusts upon which it is proposed to transfer the property, and the objects for which it is intended to apply the premises. The school was originally intended for boys, whereas it is now proposed to convert it into a school for girls. The declared objects for which the school was founded were the inculcation of the principles of the Christian religion, and the teaching of the Holy Scriptures in the original tongues, together with classics and mathematics. The object for which, under the present Bill, it is proposed to devote the premises is for the purposes of a Church of England school, with the declared object, certainly, of teaching the Holy Scriptures, but not in the original tongues; and, instead of "classics and mathematics," we have "literature and art." What I contend is this—we have no right whatever, without the knowledge and consent of every single person interested, either as donors or governors, to divert this institution from the original objects for which it was founded, as a Church of England Collegiate School for boys. We have no right to acquiesce in what may be the desire of a minority, contrary to what may hereafter turn out to have been the wish of the majority, simply because the minority come here and tell us the objects for which the school was originally founded have failed. But it appears to me that the promoters of this Bill do not require any legislative enactment at all to enable them to carry out their object, for it is well known that they have already transferred the premises to the Bishop, for a period of five years, for the purposes of a Girls' School. Why then do they come to the Legislature at all? Surely if the governors of the school now conceive that they were not empowered or justified in doing this, they ought to have first come to this House for a legislative enactment,

instead of taking the law into their own hands—a religious body, too—and then asking the Legislature to confirm their action by an Act of Parliament. That was the very course which this House condemned the other evening, in connection with the action of the Government in closing a certain street at Pinjarrah. If the House objected to a Governor taking a street, it surely would be justified in objecting to a Bishop taking a school. I do not intend to propose any amendment upon the motion for the second reading of the Bill, but what I would impress upon the House is: that we are bound—before we take any steps which may deprive any person or any corporate body of its rights—we are bound to see that this is not done without the full knowledge and consent of all parties interested. If the surviving governors of the school merely desire to carry out the provisions of the original Act and the original intention of the contributors to the funds out of which the school was founded, and, in doing so, to let the premises, it is quite competent for them to do so, on trusts analogous to those upon which the school was established. There is nothing to prevent them handing over the premises to the master of the High School, as a boarding house, where the boys attending that school might be taught the principles of the Christian religion. The magnificent playground attached to the premises, and which is now lost upon the girls, would then be available for the boys, as was originally intended. But instead of doing that, the governing body—or at any rate the most active members of that body—having let the premises to the Bishop, for five years, for the purposes of the girls' school, now come here and ask this House to legalise their past action in the matter.

MR. STONE: I hope the House will not allow itself to be led away by false issues, with reference to this Bill. The question to my mind is this—is the Bill a proper one to be introduced, under the circumstances in which the governors of the school find themselves placed? Hon. members are aware that when the school was founded, the governing body was incorporated by an Act of this Council, and the premises were invested in them, upon certain specified trusts, and for

certain purposes and declared objects. Those objects, as is well known, having lamentably failed, the corporate body, as the preamble of the Bill sets forth, having been unable to carry out the objects for which it was incorporated, find it expedient to dissolve the corporation, and they come to this House to enable them to do so. Most strenuous efforts were made to carry out the original objects of the promoters, and, as regards some of them, those efforts were continued at great personal sacrifice; but they were not crowned with success. And it is a notorious fact—it does not require any proof—that the original intention of the founders has not been carried out for many years past. Whatever we may say or think with reference to the past action of the governors, or surviving governors, in their dealings with the school, the Bill now before the House does not seek in any way to justify or to legalise that action, or to indemnify the governors. The Bill in that respect is in no way analogous, as has been alleged, to that brought forward by the Government, dealing with the closure of a certain street at Pinjarrah, for it does not ask the House to legalise an illegal action. [Mr. S. H. PARKER: Oh, yes!] The hon. member says "Oh, yes." The present Bill simply asks the House to dissolve an existing corporation, and to vest the property in other trustees, upon trusts analogous to those on which it is now held, so that the difficulties which the present council have unsuccessfully contended against may be removed. If the Bill becomes law, what will be the position of the new trustees with reference to the past action of the governors in letting the premises for a girls' school? If this Bill passes, and the property is vested in the Standing Committee of the Synod, the representative body of the Church of England in this Colony, that body may, if it chooses, set aside all that has been done with reference to the letting of the school building for the purposes of a young ladies' seminary. The Bill gives them full power to do so, and to restore the property to the objects for which it was originally devoted. I do not think it is at all probable that they would do so, for we all know that any attempt to

re-establish the school, as originally founded, would result in discomfiture and failure—necessarily a greater failure than it proved to be before we had a rival institution such as the High School in the Colony. There is, I admit, something in the other objections raised by the hon. member for Perth, with reference to all the donors not having joined in the memorial presented to this House; but I am not responsible for that petition, though I accept the full responsibility of having prepared the Bill. I have drawn it according to instructions, and I believe it is a measure—leaving out the question as to the correctness of the allegations embodied in the preamble—that very properly should have been introduced into the House, under the circumstances which I have detailed, and of which members are as well aware as I am. Personally, I have for many years objected to the proceedings of the governors of this school. Finding that the establishment had unhappily proved a failure, they should, in my opinion, have applied to the Legislature or to the Supreme Court to be relieved of their trusts. That opinion, I know, was shared in by the late respected Chief Justice Burt, and I believe I may say is very generally entertained. And it does seem strange, after the opposition manifested to the proceedings of the governing body in the past, now that they come forward to do what is the correct thing, the present Bill should be opposed as it is.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I had not intended to have spoken at all with reference to the Bill, but in view of the motives which have been imputed to the estimable Prelate and those who are associated with him, as the governing body of the school which the Bill deals with, I propose to add a few words to what has just fallen from my hon. friend on the right, Mr. Stone. My objection to the Bill is that it is wholly unnecessary. The Ordinance which it is proposed to repeal does not contemplate that the school should be for boys only. [Mr. S. H. PARKER: Oh, yes it does.] The Ordinance which it is proposed to repeal does not contemplate that the school should be for boys only. It provides, among other

matters, that the governors may frame any new rules or regulations for increasing the efficiency and extending the benefits of the institution, providing they do not contravene the fundamental principle of its constitution. I therefore submit that the enactment which it is now proposed to pass is utterly unnecessary. If the governors of the school and the Bishop between them can manage to make new rules, statutes, or by-laws, for the more efficient conducting of the school, or its expansion into a school for girls, I think it is quite within their power to do so. Considering that the higher education for boys is already amply provided for by the State out of the public funds, and that the corresponding class of education for girls is not in any way so supplied out of the public funds; considering also the enormous benefits that are conferred upon the community by the admirable manner in which the Ladies' School established by Bishop Parry has been conducted, I am sorry that there should have been one dissentient voice on the subject; and still more sorry am I that motives should be imputed to the Bishop and the clergy who are associated with him, in bringing forward this measure. They bring it forward simply because they believe it to be necessary, and because they know that the system of education lately provided for girls is pre-eminently beneficial. So far as my own powers of observation have led me, I know of no educational measure of equal importance introduced into the Colony that can compare with this Girls' College as at present conducted. Here are premises admirably adapted for the purposes of that institution—a capacious building and a spacious playground, which (inasmuch as other provisions have been made by the State for the accommodation and the education of our sons) are likely to remain idle, if retained as a boys' school—here are premises admirably adapted for the purposes of one of the most beneficial institutions of the Colony, and which, if not so utilised, may probably be converted into a store or a warehouse,—and this House is asked to withhold its assent from the estimable object which the promoters of the scheme have in view. On the other hand, if the original purposes of the school are strictly and

literally adhered to, is it not within the range of possibility that we shall have the school conducted by some clergyman of narrow and contracted views, a wretched place where some sectarian views would be instilled into the minds of the lads attending it? As it is now, you have a sound and liberal education imparted to our girls by trained teachers, in a healthy situation, in a commodious building; and what more can you want? If the Bishop, clergy, and the governors are really of opinion that they require this Bill in order that these premises may be divested from the corporation constituted under the 29th Vict., No. 12, and placed in the hands of the Standing Committee of the Synod, all I can say is—I differ with those gentlemen in that opinion. And I do not think that the mere fact of a doubt existing in the minds of these estimable people is sufficient to warrant the Legislature in interposing its assistance. But, so far as regards the motive ascribed to the Bishop and the clergy in this matter, I do most cordially dissent from it. A man may think wrongly and yet not be impelled by a motive which would lead him to do wrong. We have had some wretched tale told us to-night, of how these premises have been let by the trustees for a period of five years for the purposes of the Girls' College. Would to God it had been for fifty years; the object of the benevolent founder of the school would then have been most admirably consulted. As I said before, I think, considering the very ample powers of expansion given to the governing body by the Act under which they are constituted, that this Bill is totally unnecessary. It is asked for by the Bishop under a misapprehension, and the consequence is, some very unkind things have been uttered, by no means calculated to advance the object which the opponents of the Bill have in view, but simply to wound and to give pain, where they are least deserving.

MR. STEERE thought that a great deal which had been said by the Acting Attorney General in the course of his speech was entirely beside the question. The House had nothing to do as to whether this institution (the Girls' College) was a good one or not—he did not hesitate to say that it was an exceedingly

good one; but that was not the question to be considered with reference to the present Bill. The question for consideration here was this—Is there a necessity for such a Bill? In his opinion there was not. How many of the governors of the Bishop's College had joined in the memorial addressed to the House? Four or five, out of fifteen, and only two of those were laymen. He thought, with the hon. member for Perth, that the first thing the promoters of the Bill ought to have done was to have filled up the vacancies which had taken place in the list of governors, and, when the number was complete, if the whole body joined in memorialising the House on the subject, and were unanimous in seeking the relief which a mere section of them now sought at the hands of the Legislature, their petition might fairly receive the consideration of the House. But, until they filled up these vacancies, and ascertained beyond doubt that they could not carry out the original intention of the founders of the school, their action in bringing forward the present Bill was, to say the least, premature. The Bill, under the circumstances, appeared to him a wholly unnecessary one, and, for that reason, he would move, as an amendment upon the motion for the second reading, "That the Bill be read a second time that day six months."

MR. SHENTON, in seconding the amendment, said he recollected that, some three Sessions ago, when a Bill was brought into the House to enable a certain religious body to mortgage land for the purpose of raising money for some sectarian purpose, the then Attorney General (Mr. Hocking) opposed the Bill on the very ground that the present Bill was opposed, namely, that it was not right that two or three members of a religious body should obtain the sanction of the Legislature to raise money on mortgage, without the whole body being a party to the proposal. On the same principle, he (Mr. Shenton) objected to the present Bill, for it had been shown that only five out of the fifteen gentlemen who constituted the governing body of the school had been parties to the introduction of the Bill.

MR. S. H. PARKER: The hon. the Acting Attorney General has spoken about motives having been imputed to

the Bishop of the diocese, in bringing forward the Bill. As I was the only member who had then offered any opposition to the Bill, the hon. gentleman's remarks must have been intended for me, and I am accused of having attributed improper motives to the Bishop and the clergy in connection with this matter. The hon. gentleman surely could not have listened to what I said. I imputed no motive whatever to anybody. I simply said that the Bill was introduced with the object of enabling the Standing Committee of the Synod to use the Collegiate School as a school for girls—a course which had already been illegally sanctioned by the governors of that institution. If I had attributed any motives to the Bishop, they must have been right and proper motives, for I believe that in converting this school into a seminary for girls, the Bishop was actuated by the most proper motives. I have not the least doubt about that. But what I maintain is, that the action of the governing body was not legal. The school was established as a Church of England Collegiate School for boys, and although there may exist no necessity at present for such a school, there is no reason why the premises should not be used as a boarding school in connection with the High School, for the purposes of religious teaching. That would be consonant at any rate with the original intention of the founder of the school, which I believe would not be the case if the institution were converted into an academy for girls.

MR. BURT thought hon. members were inclined to fly away from the principle involved. Some of them might be of opinion that the governors of the school had not performed their duties very energetically, but, be that as it may, he did not think they ought to import that consideration into the present discussion. It was a notorious fact, as pointed out by Mr. Stone, that however energetically or however negligently the governors had discharged their duty, they had entirely failed in carrying out the objects for which the school was founded, and that without any fault on the part of Bishop Hale himself, who was mainly instrumental in establishing the school, and who was its principal supporter, contributing liberally out of

his own pocket towards its maintenance. In fact, when the Bishop's support was withdrawn, the school soon collapsed. What they had now to look at was—whether the donors and the governors of the school desired to pursue the course contemplated in the Bill before the House. It was for the House to satisfy itself upon that point, and they ought not to pass the Bill until they were convinced that such was the case. If such was the wish of the donors, he did not see what the House could do but comply with their request. Taking it for granted that what the hon. member for Perth (Mr. Parker) had said was correct, it appeared there were many of the original donors who had never been consulted in the matter at all. The governors of the school had not met for some years, and the school might be said to have been abandoned; but he thought it was the bounden duty of the House to ascertain that all the donors were agreeable to the introduction of this Bill. To that end, he thought it would be a good plan to refer the Bill to a Select Committee, with a view to ascertain how far the preamble was proved. That was the course usually adopted with regard to private Bills, and he thought it was the proper course, under the circumstances, to pursue with reference to the present Bill. He would therefore move, as an amendment upon the amendment of the hon. member for Swan,—That the Bill be referred to a Select Committee.

MR. BROWN said that, personally, he sympathised with the object of the Bill, but if they proceeded to a division upon it now he should feel bound to oppose the second reading, for the simple reason that the allegations of the preamble had not been proved; it had not been shown that the majority of the donors were agreeable to the adoption of the course contemplated by the Bill.

MR. CROWTHER said the result of referring the Bill to a Select Committee, for the purpose of ascertaining if one and all of the donors were in favor of the Bill, would be that they would have to sit there for another year, for the donors were scattered all over the Colony, and some of them out of the Colony. It appeared to him perfect waste of time to do anything of the sort.

MR. STEERE was of the same opinion. He failed to see how it was proposed that the Select Committee should ascertain the views of all the donors. It was the duty of those who forwarded the petition relating to the Bill to the House to have seen that it was supported by the governors, as a body. If the Bill had been introduced in the manner which he contended it ought to have been introduced, namely, as a private Bill, the requirements of their Standing Orders would have been complied with; notice of the intention of the promoters to introduce the Bill would have been advertised, and the donors would have had an opportunity of expressing their concurrence, or objection, as to the course proposed to be adopted.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would support the motion for referring the Bill to a Select Committee, and he would do so in order that the sting of the allegations brought against the promoters of the Bill might be removed, and that the consent of the remaining donors might be obtained.

The amendment, to refer the Bill to a Select Committee, was then agreed to.

MR. BROWN moved, "That such Committee should consist of Mr. Hamersley, Mr. Burges, Mr. Stone, Mr. Crowther, and the mover."
Agreed to.

The House adjourned at half-past nine o'clock, p.m., until Thursday, 12th August.

LEGISLATIVE COUNCIL,

Thursday, 12th August, 1880.

Northern District Special Revenue Act, 1873—Import Duty on Flour—Post Office Savings' Bank Deposits—Jetty at Shellborough, Port Condon—District Roads Act, 1871, Amendment Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

NORTHERN DISTRICT SPECIAL REVENUE ACT, 1873.

MR. GRANT, in accordance with notice, moved, "For a return of all moneys raised under the provisions of the 37th Victoria, No. 10, section 12, since the passing of the said Act up to the end of 1879; and a return showing in what manner such moneys had been expended." The hon. member said that, according to the 12th section of the Act in question, all moneys paid in respect of licenses, royalties, and otherwise under the Act, were applicable solely to special purposes connected with the Northern District. A great deal of money must have been received since the enactment became law, but he had never seen a return showing how it had been applied.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the return asked for by the hon. member would be furnished.

IMPORT DUTY ON FLOUR.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary, "Whether during the present Session the Government propose to introduce a Bill for the purpose of amending the Tariff Act, by removing the import duty on flour."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy): The Government have no such intention.

POST OFFICE SAVINGS' BANK DEPOSITS.

MR. S. H. PARKER, pursuant to notice, asked the Colonial Secretary to lay upon the Table of the House a return showing—

- "(a.) The amount of deposits in the "Post Office Savings' Bank on "the 1st July last.
- "(b.) The portion of such moneys "invested on mortgage on same "date; and
- "(c.) The portions to credit at the "West Australian and National "Banks, respectively, on same "date."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the returns asked for would be furnished at as early a date as possible, regard being had to