

Leake) this Bill was recommitted, and a new Clause added, to stand as Clause 1, the other Clauses to be numbered consecutively. [*Vide* "Votes and Proceedings," p. 68.]

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

## LEGISLATIVE COUNCIL,

*Friday, 22nd August, 1879.*

Personal Explanation—Application for Lands between De Grey and Fitzroy Rivers—Message (No. 5) from His Excellency the Governor: Volunteers—Message (No. 6): Assent to Bills—Message (No. 7): Acknowledging Resolution re Distribution of the Loan for Roads—Applications for Land in Northern District: How treated by the Government—New Bills—Dredging out Sand Banks in the River Swan—Divorce and Matrimonial Causes Ordinance, Amendment Bill: second reading; in committee—Elementary Education Act, Amendment Bill: motion for second reading—Timber Licenses—Bills of Exchange Bill: in committee—Bankers' Books Evidence Bill: in committee—Railways Act, 1878, Amendment Bill: further re-committed—Adjournment.

THE SPEAKER took the Chair at 7 p.m.

PRAYERS.

### PERSONAL EXPLANATION.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): It will be in the recollection of the House that when certain papers relating to the removal of Guano from the Lacepedes were moved for on Wednesday evening by the hon. member for Perth, I asked Mr. Speaker if I had a right to reply to the remarks that fell from the hon. member on that occasion, and was informed that as there was no question before the House no discussion could take place. As a matter of course I bowed to His Honor's decision, and I am at present thankful that the opportunity of replying was not allowed me at the time, for possibly in the heat of debate I might have been led to descend to a level with the tone of the

remarks of the hon. member himself. I would now beg, in the first place, to draw attention to the words that fell from the hon. member on that occasion, when I informed him that the Government deemed it inexpedient to furnish all the papers asked for, and that I was by no means ignorant of the meaning of the word contract as insinuated by the hon. member. His reply was: "It appears from the explanations offered by the hon. gentleman that when I asked for these papers the first time, the Government had full intention to deceive this House, knowing as they did—as the hon. gentleman tells us now—that a tender was not a contract." After further cavilling at the reply I had given him, he concluded by saying—"I contend here, before all the members of this House, that the Government had no right to give us a document which purported to be a contract but which was no contract at all, and which was put forward simply, apparently, for the purpose of deceiving, and for no other purpose whatever." Now, sir, before proceeding any further with the explanation which I have risen to make, I would draw the attention of the House to the Standing Orders which govern our proceedings, one of which is as follows: "Whenever any member shall make use of any expression, personal and disorderly, or capable of being applied offensively to any other member, the member so offending shall be required to withdraw the expression, and to make a satisfactory apology to the Council." I much regret, sir, that the Chair did not defend me on the occasion when so offensive a charge was made against a member of this House and of the Government as that documents had been laid on the Table for no other purpose than to deceive hon. members. I regret exceedingly to see this honorable House descend from the high standard of courtesy which hitherto has governed its proceedings, and degenerate to the style of oratory which we occasionally observe adopted by representatives in other assemblies, and which I can fully imagine some hon. members may consider a highly proper style of oratory. I myself have no wish to descend to that level, and I regret exceedingly that the Chair did not think proper, on the occasion I

have referred to, to shield and support me, and to assert the dignity of this honorable House by peremptorily putting a stop to the style of speech resorted to by the hon. member opposite. With reference to the allegations made by the hon. member, of an intention on the part of the Government to deceive this House, I shall refrain from descending to a level with the style of oratory employed by the hon. member, and content myself with simply repudiating and denying any such intention either on my part or on the part of the Government. I say, I shall carefully refrain from adopting the hon. member's style of oratory, and from saying any more in reply thereto, believing as I do that silence best shows one's opinion of such language.

MR. SPEAKER: I may observe that no doubt we were a little out of order on the occasion referred to, and I trust that in future when a question is put to a minister, or a member of the Government, no more will be said than is necessary to render the question intelligible, and that the same principle will apply to the answer which the question may elicit. It is irregular that questions should be put in such a form as to involve argument or inference; and in the same manner, an answer should be confined to the points contained in the question, with such explanation only as will render the answer intelligible.

#### APPLICATION FOR LANDS BETWEEN DEGREY AND FITZROY RIVERS.

MR. CAREY drew the attention of the Council to the return showing the applications received at the Crown Lands Office for pastoral lands in the locality recently explored by Mr. A. Forrest (as laid on the Table the other day), and moved the following resolution: "That, 'in the opinion of this Council those applications already sent in for pastoral lands between the DeGrey and Fitzroy rivers, as shown by the return and plan referred to, shall have no claim to priority; and that no application be entertained by the Government for any lands North of the DeGrey, until after the return of Mr. A. Forrest's exploring party, and the plans and reports connected therewith are made public.'"

He noticed that, according to the return furnished by the Commissioner of Crown Lands, some twenty-six applications for land in this locality had been made, representing an area of 2,472,888 acres of country. The return did not give the names of the applicants, but it appeared that the number was limited to fifteen individuals, who had applied for this large extent of country, some of which he observed stretched along the coast line for about a hundred miles, which possibly might be taken up by one individual, if these applications were entertained. He knew nothing about the land himself, and personally it was a matter of perfect indifference to him who got the land; but he did think that in the interests of the public no applications sent in before Mr. Alexander Forrest's report was made public should have priority over those that would be sent in when the general public had the benefit of Mr. Forrest's report. Unless some restriction of this sort were made, it might lead to very extensive land-jobbery, and the members of the survey party and their friends would be placed in a most advantageous position compared with the outside public. He said this, although he had a son of his own on the expedition, and he trusted the House would support the resolution.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said hon. members must be aware that this really was not a matter that concerned the Council, but was one entirely left in the hands of the Executive, or the Crown; but he was always ready to give any information to the House which he thought it was advisable or desirable, in the interests of the public, should be afforded. On reference to the return already laid on the Table of the House, hon. members would observe that a number of applications for land in the neighborhood referred to had been received, but had not been considered. These applications had been sent to the office in the usual course; there was no law to prevent people applying for anything they wanted. A man if he chose might send in an application for a gross of tin kettles, but such applications would not necessarily be entertained, or receive any serious consideration. With regard to the applications which had been sent in for

land in the North, he might say that it was not improbable that those referring to land South of the 19th parallel of South latitude might be taken into consideration by the Government, but he did not think it was probable that any applications for land situated within the limits of the northern portion of that latitude now being explored would receive any consideration at present.

MR. BROWN was bound to confess that he had seldom been more astonished than he had been that evening when the hon. gentleman who had just sat down informed the House that the question of dealing with the Crown Lands was not a matter that concerned that Council. He (Mr. Brown) sincerely trusted the hon. gentleman in saying this did not express the sentiments of His Excellency the Governor. He was quite aware, and the House was aware, that primarily the responsibility of dealing with these lands rested with the Governor, and he was not aware that there had been any cause of complaint on that score, for the simple reason that each successive Governor, for some years past, had been in the habit of consulting the House on the subject. How could it be said that it was not a matter that concerned that Council, when they were asked to vote, and readily did vote, large sums of money for the purposes of exploration—as had been done in the case of the very country forming the subject matter of the resolution before the House? He trusted the hon. gentleman did not really mean what he said.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): What I said was, that dealing with the applications sent in, was not a matter that concerned this House.

MR. BROWN would take the hon. gentleman's words as now given. He thought it *did* concern that House. In saying this, though, he wished it to be distinctly understood that he fully recognised the fact that under our present constitution the power to deal with the waste lands of the Crown did not rest with the Council, but with the Imperial Government; and, so far as he was individually concerned, he did not complain of this, nor was he aware that any other member did, so long as we remained under the existing form of Go-

vernment. Nor indeed was there any reason to complain of the manner in which the Council had been treated in this respect by successive Governors. At the same time he could not accept the statement that the question of dealing with the land of the Colony was not a question that concerned its Legislature. With regard to the resolution before the House it did not altogether meet with his approval as now worded. He thought, however, the Government had done their duty in not dealing with any applications sent in for land north of the 19th parallel of South latitude; but with regard to the land to the South of the DeGrey he thought it would be unfair to the settlers in that neighborhood if their applications were held over indefinitely. With regard to the land north of the 19th parallel it was a very different matter. When the House last year voted a sum for the exploration of that territory, it did so on the understanding that the land in question should not be dealt with, but set apart entirely until the report of the leader of the expedition had been received and published, and it was further understood that fresh regulations would be submitted to the House for dealing with the land in that territory. In the face of that he thought it would be very undesirable that applications already received should be accepted; if they were, these lands might be locked up for a long time, and possibly for purposes for which they are unfit, and under conditions suitable for pastoral purposes only. Their experience of that country, so far, had been that it was not adaptable for sheep farming. He thought the manner in which some of these applications for land in that locality had been made, and the rapidity with which they were put forward, tended somewhat to support the idea that there might have been private information granted by some of the members of the survey party to their friends. He did not mean to say that such was the case, for he had no information on the subject, but he thought it was highly probable it was so. Therefore, he perfectly agreed with the hon. member for Vasse that any applications received for land in this locality should not be entertained until the report of the expedition had been placed before the public, so that every man in the

Colony should have an equal chance with the rest to get his share of whatever good land there might be there. But as he had already said he did not think it would be fair to place the same restriction on the settlers in the neighborhood of the DeGrey. He would therefore propose that the hon. member should amend his resolution, limiting its application to the land north of the nineteenth parallel.

MR. CAREY said he had no objection to amending the resolution as suggested.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he had been misunderstood when he said that the Council was not concerned with these applications for land. What he meant to say was that the disposal of the applications made for land was a subject of departmental concern rather than for the Legislature to deal with. The Government intended doing exactly what the hon. member for Geraldton had said.

MR. HARPER said the hon. member for Geraldton had spoken of the extraordinary rapidity with which some of the applications were made. He (Mr. Harper) found that out of two millions of acres, one million two hundred thousand had been applied for before Mr. Forrest could have written any report, and to his (Mr. Harper's) own knowledge a great deal of land was applied for before the expedition ever started. Therefore he did not think it was just to the members of the expedition to insinuate that they had communicated any information privately to their friends. He quite agreed with the hon. member that it would be very unfair that land South of the nineteenth parallel should be shut out from occupation, for to his own knowledge a great deal of this land was explored by private settlers long before Mr. Forrest's expedition ever started, and it was from the exploratory labors of the settlers in this direction that the value of the land was discovered.

MR. CAREY, by leave of the House, then moved the following amended resolution:—"That, in the opinion of this Council, those applications already sent in for pastoral lands North of the nineteenth parallel of South latitude, as shown by the return and plan laid

"on the Council Table by the Commissioner of Crown Lands, should not be granted; and that the disposal of the land referred to should not be decided upon, until after the return of Mr. A. Forrest's exploring party, and the plans and reports connected therewith are made public."

MR. MARMION said he felt inclined to support the resolution as originally worded, and principally for this reason: when the vote for fitting out the expedition to the North-West country was under discussion he asked the Commissioner of Crown Lands, more as a private individual than in his public capacity, whether all the people in the Colony would have a fair chance of applying for the land in that locality, and he understood that such would be the case. He was not in a position to submit any scheme that would ensure this being done, and to place the inhabitants of all parts of the Colony on an equal footing, for the public in these parts would necessarily have advantage in obtaining information relative to the land from the publication of the report over those residing a long distance from head quarters, and he failed to see—unless by issuing fresh land regulations altogether, of which due notice should be given before they came into force—how the end they aimed at was to be attained. It seemed to him somewhat strange that it should be proposed to deal differently with the land North of the nineteenth parallel from the land in the immediate neighborhood on the South. Possibly the simplest way would be to leave the Government to deal with the applications as they came in.

MR. SHENTON said, as the cost of the expedition had been defrayed by the country, he thought all applications for land included within the area of the new country explored should be held over until the whole Colony had an opportunity of reading the report of the leader of the expedition, so that no undue advantage should be given to any individual persons over the general public. He thought the limitation as to the parallel of latitude should be extended to the 20th parallel instead of the 19th.

The amended resolution was then agreed to.

# APPLICATIONS FOR LAND IN THE NORTHERN DISTRICT: HOW TREATED BY THE GOVERNMENT.

MR. BROCKMAN, in accordance with notice, asked the Commissioner of Crown Lands if it was a fact that certain applications had been made to the Commissioner to lease land in the Northern District, in the vicinity of the 19th parallel of latitude, and that the Government refused to approve of such applications; and if so, for what reasons (if any), was such approval withheld? He failed to see anything in the Land Regulations to warrant the Government in holding these applications over, as he understood had been done.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) replied as follows:—A return, with plan showing the numbers and position of lands applied for on pastoral leases in the vicinity of the 19th parallel of latitude, has been laid on the Table nine days ago, in compliance with the request of an honorable member. It is notified therein that these applications had not been considered, and at this date no further action has been taken in the matter.

## FIRST READINGS.

The following new Bills were read a first time: Forfeiture of Recognisances—Prisoners as Witnesses—Bill; Estate of Deceased Persons Bill; Celebration of Marriage Bill; Transfer of Land, 1874, Amendment Bill, 1879; Registration of Births, Deaths, and Marriages Bill.

## DREDGING OUT SAND BANKS IN THE SWAN.

MR. HARDEY, in accordance with notice, asked the Colonial Secretary, whether the sum of £100 placed on the Estimates for dredging out the sand banks in and near the canal, in the Swan River, had been expended?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the amount referred to had not been expended, but would be before the expiration of the year.

## MESSAGE (NO. 5)—VOLUNTEERS.

MR. SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to acknowledge the receipt of the address of your Honorable House, No. 10 of the 21st August, 1879, replying in part to His Excellency's Message No. 3 of the 8th August, 1879.

"*Firstly.* That with a view of offering Volunteers an adequate inducement to enlist, the present capitation grant of £1 per head be continued.

"*Secondly.* That the Government be empowered to pay each Volunteer enlisting in future, a sum of money (not exceeding £2) sufficient to cover the cost of his uniform.

"*Thirdly.* That the Government be empowered to give annually, a sum of money, not exceeding £100, to be spent in prizes for the purpose of encouraging shooting, provided always that the annual expenditure for the Volunteer Force shall not exceed £1,000.

"It will be His Excellency's duty to carry out the wishes of your Honorable Body, as expressed in the first and second paragraphs, and the first part of the third paragraph of this Resolution, but it is necessary that His Excellency should point out to your Honorable Body, that the cost of these services, together with the providing of ammunition for practice, the maintenance and repair of the field guns, and incidental expenses, will amount to £975, and that if, as proposed in the latter part of the third paragraph, the annual expenditure of the Volunteers be limited to £1,000, hardly anything will be left to provide other, and equally necessary expenses connected with the upkeep of the force.

"The accompanying Return\* shows that these services amount in the whole to £404, and if the Volunteer Force is to be maintained at its present strength, and on its present footing, its total cost will be in future £1,379 per annum.

"In addition to this, £466 is required to provide arms to complete the force, but there will probably be a saving on the present year's vote which will reduce this to a little more than £100. It will be for your Honorable Body to decide whether it is prepared

\* For Return, see "Votes and Proceedings," p. 72.

"to sanction such an expenditure for the object in question, and if not, to determine in what direction a reduction is to be effected.

"It is evident that this may be attained either by withdrawing, or diminishing, the allowances made for instruction, and the support of bands, or the disbandment of certain corps.

"It is admitted that on the withdrawal of the Land Grant further inducements than are now afforded will be necessary to lead Volunteers to enlist; any diminution of those they now enjoy will therefore only increase the difficulty; on the other hand, the disbandment of any corps will no doubt be a great discouragement to those now serving, and can hardly fail to give rise to a feeling not favorable to the efficiency of the force.

"On the whole it seems open to question whether, if it is decided that the Colony is not justified in appropriating as much as £1,400 to the maintenance of the Volunteer Force, it would not be better to abandon altogether the attempt to retain one.

"Government House, Perth, 22nd August, 1879."

MR. BROWN moved that the Message be taken into consideration on Wednesday, August 27.

Agreed to.

#### MESSAGE (NO. 6)—ASSENT TO BILLS.

THE SPEAKER also notified the receipt of the following Messages:

"The Governor informs your Honorable House that he has assented, in Her Majesty's name, to the undermentioned Bills passed by the Legislative Council during the present Session:—

"6. *An Act to provide for the preservation of the Funds of District Road Boards.*

"7. *An Act to further amend 'The Customs Ordinance, 1860.'*

"Government House, Perth, 22nd August, 1879."

#### MESSAGE (NO 7) ACKNOWLEDGING RESOLUTION.

"The Governor acknowledges the receipt of Resolution No. 9, adopted by the Legislative Council on the 20th instant, with reference to the proposed

"distribution of the Loan for Roads; and begs to assure Your Honorable House that it will be his endeavor to fully justify the confidence you have been good enough to place in him.

"Government House, Perth, 22nd August, 1879."

#### DIVORCE AND MATRIMONIAL CAUSES ORDINANCE, AMENDMENT BILL.

MR. S. H. PARKER moved the second reading of a Bill to amend the Ordinance to regulate divorce and matrimonial causes. The hon. member said the Bill merely amended the law in accordance with the practice obtaining in such causes in England. The effect of the first clause would simply be to empower the Court in certain cases where the Attorney General or any other person intervened or showed cause against a decree nisi in any proceeding for divorce or nullity of marriage, to make such order as to the costs as might seem just and proper. But the main provision of the Bill was to empower magistrates, if a husband should be convicted summarily of an aggravated assault (within the meaning of the Imperial statute adopted in this Colony) upon his wife, to order that the wife be no longer bound to cohabit with him, and that the husband shall pay her such weekly allowance as the court or magistrate might consider to be in accordance with his means. Full discretion was also given to the committing magistrate to order that the legal custody of any children of the marriage, under the age of ten years, shall be given to the wife. All orders, however, made under this section were subject to appeal to the Supreme Court.

Bill read a second time.

#### IN COMMITTEE.

Clause 1—Costs of intervention—agreed to.

Clause 2—Extension of powers vested in Court, notwithstanding there are no children of the marriage.

Agreed to, *sub silentio*.

Clause 3—If husband convicted of aggravated assault, Court may order that wife be not bound to cohabit, etc.:

Agreed to without discussion.

Preamble and title agreed to.

Bill reported.

ELEMENTARY EDUCATION ACT,  
AMENDMENT BILL.

MR. CAREY moved the second reading of a Bill to amend the Elementary Education Act. He said the object of the measure was to place the Assisted Schools of the Colony on the same footing as the Government Schools, as regards the minimum number of scholars required to entitle the former class of schools to the Government grant in aid. At present, no Assisted School was entitled to a grant from public funds unless the daily number of scholars attending such school averaged twenty, whereas the number required to render a Government School entitled to the grant was only twelve. He failed to see the justice of this distinction being made in favor of the State schools, especially when it was borne in mind that the Assisted Schools only cost the country about one-half what the Government Schools cost, which appeared to him to be an argument in favoring of encouraging the spread of Assisted Schools rather than handicapping them as they were now. The hon. member entered into a calculation showing the saving which would be effected, so far as the vote out of public funds was concerned, by the establishment of this class of schools as compared with the cost to the country of the State schools. Apart from the inconsistency of entitling a Government school to a grant in aid where the daily number of scholars was only twelve, whereas an Assisted School could not claim the grant unless the minimum number of scholars in daily attendance was twenty—apart from the inconsistency of this regulation, it was one that operated very harshly in some localities, for he could mention two schools which would have to be closed altogether unless the regulation was modified, and the children in those neighborhoods would thus be deprived of any school education whatever. This was the case with regard to a school at Daranup where the average attendance was 16, and at Lockeville where the average was 14.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved, as an amendment, that the Bill be read that day six months. The hon. gentleman thought if there was one thing which, above all others, the Colony had reason

to pride itself upon, it was the admirable system under which the elements of education were placed within the reach of the poorest child in the land. And if that child be one of average intellectual capacity, his intellect would be fully, and honestly, and rigidly guided. It was an invidious task to oppose the honest convictions of any hon. members, but in this instance, if the present Bill became law, he believed that a most grievous blow would be dealt at a system of education that was working well and satisfactorily.

SIR T. COCKBURN-CAMPBELL said: Sir, I feel it my duty to second the amendment of the hon. gentleman, although I do not altogether agree with what the hon. gentleman has said, and it seems to me that he scarcely understands the question which is before the House. Leaving however those points where I might be inclined to dissent from what he has said, I will state my reasons for opposing the second reading of this Bill. In dealing with this subject, it is necessary to be extremely careful, as, for many persons, it seems difficult to disconnect antagonism to the present dual system—if I may so call it—of national and denominational education, from religious intolerance. For religious intolerance I have the greatest contempt, and I think I may honestly say that I am animated by no such feeling. But at the same time I must admit that I have always considered our present educational system to be an illogical one. When the Government think it expedient to undertake the public instruction of the young, it seems on the face of it absurd to subsidise free-lance schools to compete with the schools established at the public expense—to compete with them in a way which in many instances proves highly injurious to their well-being. Of course it may be said that by this means the education of the young is conducted at a less cost to the country than would otherwise be the case; and if you admit the expediency of promoting denominational education, then of course this is a very good argument to use. If, on the other hand, you consider, as I consider, that a national secular system of education is the best for a Colonial Government to adopt, this argument must be set aside. I am aware that the interests of a large minority of the com-

munity are concerned—I am aware that to protect these interests the present compromise has been arrived at, and that until the introduction of Responsible Government—when of course the interests of the minority will have to bow to the will of the majority—some such compromise will continue to exist; but at the same time I cannot admit the wisdom of the principle involved in the system in question, nor can I abstain from asserting that I believe it is often productive of mischievous results. I have said so much, sir, in order to explain the position which I take. Were I to vote in favor of the Bill before us, I consider that I should be admitting that our present dual system is a wise one. But this I do not admit; and not admitting it—although I am not prepared to go further—I consider that the right course to take is simply to leave things as they are. When the present Education Act was framed every care was taken to protect the interests of those more especially concerned, and I see no reason why the question should be opened up again—indeed, I believe that these interests would be far better consulted by refraining altogether from raking up a subject with regard to which much difference of opinion exists, and, therefore, sir, I second the amendment of the hon. the Attorney General.

MR. MARMION felt it his duty, without reference to party or sectarian feeling, to support the hon. member for Vasse in his effort to place the Assisted Schools of the Colony on the same footing as the Government Schools, in this matter of attendance. The present Bill did not in any way affect the principle of the existing Act, and was therefore not open to the objection raised against it by the Attorney General. Bearing in mind that the Assisted Schools and those who supported them relieved the public from a great deal of expense which but for these schools would be entailed in providing instruction, he thought they were fairly entitled to every consideration,—consistent with equity and with the principle of our present educational system—at the hands of the Legislature. As had been pointed out by the hon. member for Vasse, the present regulation operated very prejudicially in some localities by causing schools to be closed altogether,

for not only was it necessary that the prescribed number of scholars should be on the school register—they must be in daily attendance. Those who supported the Assisted Schools, be they whom they may, undertook voluntarily to bear a portion of the burdens which would otherwise fall on the shoulders of the general public; and he would ask the House whether those persons who were thus bearing this particular portion of the public burdens were not entitled to consideration at the hands of that House—entitled to it on the grounds of justice as well as on the grounds of economy. These persons, in the first instance, erected school buildings at their own expense, which would otherwise have to be provided out of the general revenue; and after having erected the schools they provided tuition and a thoroughly sound moral training to those who attended them. Surely these were matters entitling them to some consideration at the hands of the House. And what was the consideration which the present Bill sought to obtain for them? Simply that their schools should be placed on the same footing as the schools erected and maintained entirely out of public funds. He would say no more. If the few words with which he had supported the Bill did not have the desired effect, no lengthened oration, no studied eloquence, would produce it, and induce the House to perform a simple act of justice to the Assisted Schools of the Colony.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) supported the amendment, in the belief that it would be unwise and injudicious, in the interests of all parties, to meddle with the existing Act, which, if not perfect, was at any rate working well and causing general satisfaction. He quite concurred with what had fallen from the hon. baronet, the member for Albany, that the Assisted Schools operated detrimentally to the interests of the State Schools, and though no doubt the former class of schools did not cost the public so much as the latter, it could not be gainsaid that, inasmuch as they interfered with the attendance of children at the Government schools which were maintained at the expense of a numerous staff and of costly school-buildings, capable of pro-



viding instruction and accommodation for a much larger number of scholars than now attended them, and which expense would be lessened if the number of children attending these schools was not reduced by the existence of Assisted Schools—he said it could not be gainsaid that indirectly these Assisted Schools increased the cost of maintaining the Government Schools. The educational machinery of the State was now sufficient to provide for the educational wants of a great many more children than at present availed themselves of the State schools, and our policy should be to get the children to avail themselves of this machinery, and not to throw obstacles in the way by encouraging and fostering more than was already being done, another class of schools.

Amendment agreed to.

#### TIMBER LICENSES.

The Order of the Day for the resumption of this debate being read,

Mr. CAREY, by leave of the House, moved the following amended resolution:—"That in the opinion of this Council, no separate license fee for removing, in addition to the fee for cutting timber, should be imposed. And this Council humbly prays that His Excellency the Governor may be pleased to take steps to carry out the wishes of the House".

Mr. BROWN supported the motion. He knew nothing personally of the expediency of the step proposed to be taken, but he felt much pleasure in this instance in supporting the hon. member who brought forward the matter, and who had the interest of the timber trade at heart, and of those who prosecuted that industry. He thought most members would, in a subject of this kind, defer to the feelings of the hon. member, who, he thought, would carry this resolution by a very large majority.

Mr. MARMION did not generally like to throw cold water upon any measure calculated to benefit any industry; at the same time he thought they ought to be just before they were generous. The present time was hardly the time to throw away any legitimate source of revenue, and it appeared that in adopting this resolution the House

would be doing so. At present the timber industry yielded but a comparatively small amount of revenue to the Colony, compared with the importance of the industry—not nearly so much revenue, in his opinion, as the country ought to derive from it, when it was borne in mind the great injury it caused to both the minor and main roads of the districts where the industry was actively prosecuted. He thought it would be acknowledged that the persons whom it was proposed to relieve from the payment of this fee earned quite enough to be able to afford to pay it. In looking over the timber regulations in force in Victoria, he noticed that not alone those engaged in the trade had to pay a cart license, but everybody who handled the timber had to pay something in the shape of fee. He failed to see that in this Colony those engaged in this industry had any reasonable ground for complaint.

The resolution was then put and carried.

#### BANKERS' BOOKS EVIDENCE BILL.

##### IN COMMITTEE.

Mr. S. H. PARKER moved that the following new clause be added, and stand as clause 10:—"And whereas it is expedient to relieve banks of the responsibility of ascertaining that drafts payable to order on demand are duly and properly endorsed: Be it enacted that any draft or order drawn upon a bank for a sum of money payable to order on demand, which shall, when presented for payment, purport to be endorsed by the person to whom the same shall be drawn payable, shall be a sufficient authority to such bank to pay the amount of such draft or order to the bearer thereof; and it shall not be incumbent on such bank to prove that such endorsement, or any subsequent endorsement, was made by or under the direction or authority of the person to whom the said draft or order was or is made payable either by the drawer or any endorser thereof".

Mr. MARMION said the clause at first sight appeared to be a very important one, and in order that hon. members

might see it in print, he would move that Progress be reported.

Progress reported.

The House adjourned at ten o'clock.

## LEGISLATIVE COUNCIL,

*Monday, 25th August, 1879.*

*Postal Service of the Colony—Confirmation of Expenditure Bill: first reading—Forfeiture of Recognisances, Prisoners as Witnesses, Bill: second reading; in committee—Administration of Estates of Deceased Persons—Third Readings—Bankers' Books Evidence, Amendment Bill; in committee—Adjournment.*

THE SPEAKER took the Chair at 7 p.m.

PRAYERS.

### POSTAL SERVICE OF THE COLONY.

MR. CAREY, in accordance with notice, moved the House into Committee of the whole to consider the postal arrangement of the Colony.

#### IN COMMITTEE.

MR. CAREY moved the following resolution: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to take such steps as may be deemed necessary to place the postal service of the Colony on a more satisfactory footing." The hon. member said the resolution might appear somewhat indefinite, but he did not wish to commit the House to any specific scheme of re-organisation, his sole object being to direct attention to some of the more glaring defects of the existing postal arrangements, with a view to enlist the assistance of the Government to remedy the same. He need not say that it was one of the most important considerations to any community, both socially and commercially, that its postal service should be efficiently and expeditiously conducted, and that every facility should be afforded the

public to reap the advantages of postal communication. He would first of all refer to the *Rob Roy* service, for which the Colony paid £6000 a year in the shape of a subsidy. When the House voted that subsidy, it was clearly understood that it would ensure to the public of this Colony a fortnightly mail service with the sister Colonies, in conjunction with the P. and O. boats; but he thought hon. members would agree with him that this desideratum had not been attained, so far; and though no fault could be found as to the manner in which the service had been carried out as regarded passengers and cargo, it had not proved altogether satisfactory as regards the mails. The hon. member cited instances showing how unsatisfactory the present arrangements had worked, and how little benefit the public derived from them, and said it appeared to him that the contractors were clearly masters of the situation. He did not think the House, when it voted £6,000 a year for this service, contemplated that the contractors should have it all their own way, and that the Government, as appeared now to be the case, should have no power in the matter. His present object, however, was more particularly to refer to the unsatisfactory working of our inland mail service, rather than to the coastal and intercolonial arrangements; but he could not refrain from alluding to the latter subject, which would no doubt be dealt with hereafter, when the motion standing in the name of the hon. member for Toodyay came under the consideration of the House. As to the inland service, he thought every hon. member would admit that the existing arrangements were susceptible of improvement, both as regards speed, increased facilities, and public convenience. He found that the average speed at which the mails travelled was from two to three miles an hour—which must be regarded as snail, rather than mail, speed. In the next place he found that, under existing arrangements, the mails did not dovetail (so to speak) with each other, and, further, that the hours fixed for the arrival and departure of the mails were not such as to meet the convenience of the public; while the stoppages on the roads, especially in connection with the Southern and Eastern districts mail services, were both